

94TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } No. 94-264

STATE DEPARTMENT AUTHORIZATION ACT, FISCAL
YEARS 1976 AND 1977

JUNE 5, 1975.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HAYS of Ohio, from the Committee on International Relations,
submitted the following

REPORT

[To accompany H.R. 7500]

The Committee on International Relations, to whom was referred the bill (H.R. 7500) to authorize appropriations for the Department of State for fiscal years 1976 and 1977, and for other purposes, having considered the same, report favorably thereon with an amendment and recommends that the bill as amended do pass.

PURPOSE OF THE BILL

The principal purpose of H.R. 7500 is to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during fiscal years 1976 and 1977.

BACKGROUND

The bill provides for authorization of appropriations for (a) "Administration of Foreign Affairs," which supports the operation of the U.S. diplomatic and consular posts abroad and the Department of State in the United States; (b) "International Organizations and Conferences," including contributions to meet obligations of the United States to international organizations pursuant to treaties, conventions or specific acts of Congress; (c) "International Commissions," which enable the United States to fulfill treaty and other international obligations; (d) "Educational Exchange," which is a program administering the cultural and educational exchange activities of the United States; and (e) "Migration and Refugee Assistance," which includes the U.S. annual contribution to the International Committee of the Red Cross and refugee assistance programs.

The bill also provides for authorizations of appropriations for Russian refugee assistance, International Women's Year activities, and the United Nation's University endowment fund. It addresses the matters of death gratuity coverage for U.S. consular agents and representatives to international organizations or commissions, within-class pay increases for Foreign Service officers and Foreign Service Reserve officers, and prohibits the development of a machine readable passport system.

The amendment is as follows:

Page 4, line 24, insert "(a)" immediately after "Sec. 7.", and on page 5, immediately after line 18, insert the following new subsection:

(b) Such Act is further amended by adding at the end thereof the following new section:

SEC. 3. After January 1, 1976, there shall be not to exceed nine delegates from the House of Representatives to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. Not more than five delegates from the House of Representatives to any such Conference may be of the same political party.

COMMITTEE ACTION

Executive Communication No. 383, dated February 20, 1975, from the Acting Assistant Secretary of State for Congressional Relations to the Speaker of the House of Representatives, included draft legislation that would authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during fiscal years 1976 and 1977. The letter and its attachments which may be cited as the "State Department Authorization Act, fiscal years 1976 and 1977" were referred to the Subcommittee on International Operations of which Hon. Wayne L. Hays is chairman. Hearings were held on April 15 and 21, 1975. Principal witnesses from the Department of State included Hon. Robert S. Ingersoll, Deputy Secretary of State; Hon. John M. Thomas, Assistant Secretary of State for Administration; and Don C. Eller, Director, Budget Planning and Presentation, Department of State.

Each provision of this proposed legislation was examined by the subcommittee. The subcommittee met on April 29, May 5, and 12 of 1975 to consider the draft legislation which it revised and by unanimous consent ordered it reported to the full committee. On June 2, 1975, the chairman of the subcommittee introduced the measure H.R. 7500. The committee considered the bill on June 5, 1975, and by voice vote unanimously ordered it reported to the House.

COST ESTIMATES

The committee estimates that the cost of carrying out the provisions of the bill during fiscal year 1976 will be approximately \$873,215,000. This figure includes \$444,204,000 for the "Administration of Foreign Affairs," \$289,918,000 for "International Organizations and Conferences," \$19,993,000 for "International Commissions," \$89 million for "Educational Exchange," \$10,100,000 for Migration and Refugee Assistance, and such amounts as may be necessary for increases in

salary, pay, retirement and other employee benefits authorized by law, and for other nondiscretionary costs. The bill also authorizes \$20 million for Russian refugee assistance. The total dollar increase over the fiscal year 1975 appropriation to the Department of State for purposes referred to in this report is \$96,511,000. This figure takes into account both wage and price increases and exchange rate fluctuations. In addition, the bill authorizes to be appropriated, upon request of the President of the United States, to the President for fiscal year 1977, \$20 million to be used for a contribution of the United States to the United Nations University Endowment Fund.

COMPARATIVE DATA FISCAL YEARS 1975-76
[In thousands of dollars]

	Appropriations for fiscal year 1975 ¹	Authorization request for fiscal year 1976	Committee recom- mendation
Administration of foreign affairs:			
Salaries and expenses	370,653	413,200	433,999
Representation allowances	1,385	1,750	1,750
Emergencies in the diplomatic and consular service	2,100	2,100	2,100
Payment to Foreign Service retirement and disability fund	21,955	6,355	6,355
Total	396,093	423,405	444,204
International organizations and conferences:			
Contributions to international organizations	203,903	245,707	242,986
Contributions to international peacekeeping activities	34,495	29,400	29,400
Missions to international organizations	7,008	8,696	9,096
International conferences and contingencies	7,540	5,840	5,840
International trade negotiations	1,900	2,596	2,596
Total	254,846	292,239	289,918
International commissions:			
International Boundary and Water Commission, United States and Mexico:			
Salaries and expenses	4,952	5,322	5,322
Construction	6,231	8,365	8,365
Subtotal	11,183	13,687	13,687
American sections, international commissions	1,379	1,576	1,576
International fisheries commissions	4,060	4,730	4,730
Total	16,622	19,993	19,993
Educational exchange:			
Mutual educational and cultural exchange activities	53,300	65,000	65,000
Center for Cultural and Technical Interchange Between East and West	7,400	9,000	9,000
United States-Japan friendship activities (foreign currency program)		15,000	15,000
Total	60,700	89,000	89,000
Migration and refugee assistance	8,443	10,100	10,100
Assistance to Soviet refugees	40,000		20,000
Grand total	776,704	834,737	873,215

SECTION-BY-SECTION ANALYSIS

Section 2(a)

This section provides an authorization of appropriations for the Department of State in accordance with the provisions of section 407(a)(2) of the Foreign Assistance Act of 1971. Funds are authorized to be appropriated for the fiscal years 1976 and 1977.

This section contains the authorizations for appropriations by category for fiscal year 1976 and for overall necessary funds for 1977.

This section is similar to section 2 of Public Law 93-475, except for the amounts. This bill excludes authorization of appropriations for the acquisition, operation and maintenance of buildings abroad which is being submitted as separate legislation.

Paragraph (1) authorizes appropriations under the heading "Administration of Foreign Affairs" to provide the necessary funds for the salaries, expenses, and allowances of officers and employees of the Department, both in the United States and abroad. This provides funds for executive direction and policy formulation, conduct of diplomatic and consular relations with foreign countries, conduct of diplomatic relations with international organizations, support of joint cooperative commissions, domestic public information activities, central program services, and administrative and staff activities. These funds also finance the salaries and operating expenses of the U.S. Missions to the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development and the staff responsible for administering the Mutual Defense Assistance Control Act and the military assistance and arms sales supervision activity. This section also provides funds for relief and repatriation loans to U.S. citizens abroad and for other emergencies in the diplomatic and consular service. Payments to the Foreign Service Retirement and Disability Fund are included in this category. There is also under this heading an authorization for an appropriation of \$450,000 for International Women's Year activities.

Paragraph (2) authorizes appropriations under the heading "International Organizations and Conferences". This category provides the necessary funds for United States contributions of our assessed share of the expenses of the United Nations, its specialized agencies and the International Atomic Energy Agency, 6 Inter-American organizations, 6 regional organizations and 17 other international organizations. The U.S. membership in these organizations, which has been authorized by treaties, conventions, or specific Acts of Congress, constitutes an obligation for payment of our assessed share of these budgets pursuant to the basic statutes or constitutions of the international agencies. However, the committee refused to authorize appropriations to meet the U.S. prior year (fiscal year 1974) assessment (\$2,721,852) to the United Nations Educational, Scientific and Cultural Organization.

Funds are authorized for the operation of missions which represent the United States at the headquarters of certain international organizations. These missions maintain liaison with the international secretariats and with the delegations of other member governments at these organizations' headquarters. The expenses of congressional delegations to international parliamentary meetings are included in this category.

Provision is also made in this section for the funding of official U.S. Government participation in regularly scheduled or planned multilateral intergovernmental conferences, meetings and related activities, including international trade negotiations, and for contributions to new or provisional organizations. This also authorizes appropriations for U.S. contributions to international peacekeeping activities in accordance with international multilateral agreements.

The authorization of appropriations requested includes the U.S. contribution to the International Commission of Control and Supervision in Vietnam and the U.N. Force in Cyprus.

Paragraph (3) authorizes appropriations under the heading "International Commissions" which provides funds to enable the United States to fulfill its treaty and other international obligations with Mexico and Canada. This includes the expenses of the American Section of the International Boundary and Water Commission, United States and Mexico as well as project investigations and construction on the United States-Mexico boundary.

The authorization of funds for American Sections, International Commissions, in accordance with existing treaties, for expenses of the American Section of the International Boundary Commission and the International Joint Commission is provided under this paragraph. These two Commissions are concerned respectively with the maintenance of the United States-Canadian border and with environmental and other joint problems involving the United States and Canada.

Appropriations are also authorized for expenses, including contributions, to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties, conventions, and implementing acts of Congress.

Paragraph (4) authorizes appropriations under the heading "Educational Exchange" to provide funds to enable the Secretary of State to carry out his functions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the act of August 9, 1939. These funds provide for the educational and cultural program of the Department of State, including the exchange of persons, aid to American-sponsored schools abroad, and cultural presentations. This authorization also enables the Secretary of State, through a grant to the State of Hawaii, to carry out the provisions of the act of 1960 establishing a Center for Cultural and Technical Interchange Between East and West. The Center provides grants, fellowships and scholarships to qualified persons from Asia, the Pacific area, and the United States who work jointly on problems of mutual concerns.

This paragraph also authorizes an appropriation of U.S.-owned Japanese currency earmarked in a special account to strengthen Japanese and American cultural relations. This will fulfill article V of the 1962 agreement between the United States and Japan and will reciprocate for the gift of the Japanese Government made in 1973 to American educational institutions.

Paragraph (5) authorizes appropriation under the heading "Migration and Refugee Assistance" to enable the Secretary of State to provide assistance to migrants and refugees. This assistance is rendered through (a) contributions to multilateral organizations such as the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees and (b) unilateral assistance to refugees designated by the President, as authorized by law. Included also is an authorization of funds for a contribution to the International Committee of the Red Cross pursuant to existing legislation.

Paragraph (6) provides authorization of appropriations for increases in salary, pay, retirement and other employee benefits as authorized by law which occur from time to time. The occurrence is usually at an inappropriate time for requesting authorization and appropriation

through the regular annual cycle. This further provides authorization of appropriations to meet mandatory items which were unanticipated and which have a material impact upon the operations and fiscal resources of the Department of State and the Foreign Service. This authorization would permit more rapid and responsive action to meet increased costs resulting from overseas wage and price increases and adverse currency exchange fluctuations.

Section 2(b)

This section provides authorization of amounts for fiscal year 1977 necessary to support the activities described in the paragraphs of Section 2(a). This is in keeping with the provisions of the Congressional Budget and Impoundment Control Act of 1974 requiring advance fiscal year authorization of appropriations. (Public Law 93-344).

Section 2(c)

This section provides the customary extension of availability of funds beyond the end of the fiscal year, to the extent provided for in appropriation acts. This applies to such appropriations of the Department as "International Boundary and Water Commission, United States and Mexico—Construction", and "Migration and Refugee Assistance". This authority is required to enable the Department to retain funds appropriated for construction projects, the completion of which extends beyond a single fiscal year, and to enable the Department to meet completely the calendar year program needs for migration and refugee assistance.

Section 3

This section provides that any unused, i.e., unappropriated authorization for any category may be transferred to any other category. The amount to be transferred may not exceed 10 percent of the category's original authorized amount. This will permit flexibility in the management of our financial resources and in being able to respond rapidly to urgent, mandatory increased needs.

Section 4

This section provides authorization of appropriations to assist in funding the expenses of maintaining the living quarters of the U.S. Representative to the Organization of American States. As an Ambassador with responsibilities and duties for meeting and negotiating with members of the diplomatic corps and representatives of international organizations, it is essential for him to have and maintain appropriate housing.

Section 5(a)

This paragraph provides authorization of appropriations for payments of the U.S.' assessed share of the calendar year 1974 budget of the International Civil Aviation Organization.

Section 5(b)

This paragraph provides authorization for U.S. contributions to international peacekeeping activities to exceed the 25 percent limitation (Public Law 92-544) and 33½ percent limitation (Public Law 82-495) placed on contributions to the United Nations or any affiliated agency. This exception will enable the United States to negotiate participation in international peacekeeping activities with

the fullest strength and influence; and to meet the necessary obligations incurred concomitant with our leadership in international affairs and support for multilateral peace activities.

Section 6

This section authorizes an increase in the limitation placed on the Rio Grande canalization project by \$1,500,000. This is necessary to permit improvements in the canalization project which are expected to be met by requested increases in the 1976 and 1977 budgets.

Section 7

This section provides authorization of appropriations for funds to meet the U.S. contributions towards the maintenance of the Bureau of the Interparliamentary Union which promotes international arbitration and to meet the expenses of the American group of the Interparliamentary Union.

Section 8

This section would provide perfecting amendments for section 576 of part H of title V of the Foreign Service Act. This section was added by Public Law 93-475, the State Department/USIA Authorization Act, Fiscal Year 1975 and authorizes assignments of Foreign Service officers to certain public organizations in the United States including the Congress.

This program is designed to provide additional opportunities to participants to gain experience in local problems and viewpoints throughout the United States and to contribute to an understanding of foreign affairs at the "grass roots" level.

The recasting of this section would provide the following benefits:

- (1) Allow a flexible number of officers to be assigned to this program in keeping with the needs of the Service;
- (2) Permit assignments to be made any time before the 15th year of service rather than just between the 8th and 15th years;
- (3) Permit assignments to Puerto Rico, territories and possessions of the United States as well as the continental portions of the United States;
- (4) Authorize assignments for longer than 12 months if necessary and permit the department the option of accepting reimbursement from the organizations to which officers are assigned;
- (5) Permit a statement of preference concerning the type of public organization to which the officer would be assigned as well as eliminating the bar to stating a preference for geographic location; and
- (6) Allow that the time served in a public organization be counted towards selection out. This would put this assignment on a equal footing with all other Foreign Service assignments including those to educational institutions and other U.S. Government agencies in all parts of the United States.

Eliminating the restriction in part (b) of section 9 of Public Law 93-475 would permit eligibility for all officers with less than 15 years of service for participation in assignments to public organizations.

Section 9

This section broadens the death gratuity coverage of the Act entitled "An Act to Provide Certain Basic Authority for the Department of State" approved August 1, 1956, to include American nationals serving as consular agents or representatives to an international organization or commission.

Section 10

This section authorizes a change in the effective date of within-class pay increases for Foreign Service officers and Foreign Service Reserve officers to the first day of the first pay period that begins in July from the first day of each fiscal year and gives credit toward initial Foreign Service officer and Reserve officer within-class increases for prior Federal Service when an equivalent increase has not been received upon transfer from another pay category. The change in the effective date of increases would eliminate the administrative cost of making mid-pay period salary adjustments. It would also prevent the unintended 3-month delay of such increases in 1976 that would otherwise occur because of the change in the beginning of fiscal years from July 1 to October 1 scheduled in 1976.

Section 11

This section eliminates the requirement that all Foreign Service Officers must reexecute affidavits concerning bribery, loyalty and striking against the Government following each promotion. Collecting, processing and preserving the affidavits creates costly administrative problems. In addition, salary may not be paid at the new rate after promotion unless a new affidavit is executed. The imminent consolidation of the Department's automated personnel and payroll systems heightens the need to eliminate the requirement for reexecution of the affidavits at this time. If it is not done, expensive and unproductive computer programing will be required.

Section 12

This section prohibits the use of funds authorized to be appropriated by this act to be used for the development or implementation of the Travel Document and Issuance System which has been proposed by the U.S. Passport Office, the issuance of machine readable passport books, or of any other new passport system.

Section 13

This section will increase to \$25 million from \$10 million the amount which may be made available from Foreign Assistance funds by Presidential determination for refugee assistance. This increase in availability of funds is being requested because of the growing number of worldwide refugee situations, the rising costs of assistance which have eroded the quantity and quality of relief that can be provided within the present \$10 million limitation and to provide greater administration flexibility in meeting new, emergency situations.

Section 14

In view of the declining rate of refugees coming from the Soviet Union and other Communist countries in eastern Europe, this section reduces from \$40 to \$20 million the amount available to the Secretary of State for assistance purposes in these areas. This section also places

a ceiling upon the per centum of the amount appropriate by this act that may be used to resettle refugees in any country other than Israel.

Section 15

This section authorizes to the President of the United States, should he request it, an appropriation to be used for a contribution of the United States to the U.N. University Endowment Fund. It also places a per centum ceiling on the U.S. contribution to this fund.

During its consideration of this legislation, the subcommittee heard the following testimony:

STATEMENT OF DR. CARL MARCY, COUNCIL FOR A LIVABLE
WORLD.

Mr. MARCY. I am here to represent the United Nations University with headquarters in Tokyo. I think several Members of this Subcommittee were at the General Assembly in 1973 at which time there was a proposal to create a UN University. The U.S. delegation was not very happy with the proposal but after some amendments had been introduced, the U.S. did vote for creation of such a university with the understanding we were voting for it in principle but not as to funding.

What I have submitted to Members of the Committee is a proposed amendment to the bill for State Department authorization. The reason we believe the Subcommittee should give favorable consideration to this is as follows: There have been very significant developments which have taken place since 1973. Perhaps the most significant is the Rector of the University turn out to be an American, Mr. James Hester, President of NYU for several years. The Japanese Government has already agreed to put up a \$100 million as an endowment for the university. Developments within the past few weeks in Vietnam have made it necessary for the U.S. to take a fresh view at its relations with that particular part of the world.

The Department of State considered asking for this \$50 million authorization this year. It is our understanding with a good deal of back and forth that the Office of Management and Budget prevailed and I must say I agree with others that this is no time to be adding \$50 million to the 1976 budget of the U.S.

I tried to take that into consideration in drafting the amendment before you. I would like to bring to your attention the authorization is for an appropriation to the President of \$50 million to be used as the U.S. contribution to the endowment fund of the university. I direct particular attention to the provisos.

First, no funds for this purpose are to be appropriated prior to fiscal '77. So there will be no budgetary burden this year or in 1976. But notice is served that when the 1977 budget is prepared the Administration should have in mind very seriously how to include the U.S. contribution to this university.

The second proviso also limits the budgetary impact. Even after 1977 the contribution of the U.S. is not to exceed \$20 million in any fiscal year. Furthermore, appropriations are not to be made then unless account has been taken of recommendations by the President of the U.S. based upon the then budgetary situation of the U.S. Consideration must then also be given to contributions made by other members of the United Nations to the endowment fund and finally, the President must make a judgment as to whether the university is in fact coming up to the standards of excellence which its charter sets forth.

Finally, there is a provision that under no circumstances should the contributions of the U.S. exceed 25 percent of funds promised or actually contributed by other members of the United Nations. That limitation is consistent with other provisions of law. You will recall in the past the U.S. used to contribute up to 33 $\frac{1}{3}$ rd percent but there is a limitation now to 25 percent.

In closing my argument, it occurs to me, this kind of action by this Committee will show congressional initiative. I certainly would oppose this amount if it were for \$50 million for increasing the size of our military bases in Japan but I think the \$50 million devoted to a university of this type would be a very valuable thing. In the Hays-Fulbright bill, as it is known as House side, and on the Senate side, the Fulbright-Hays Act, emphasizes the importance of some of the non-military aspects of the role of the U.S. Government in foreign policy and the direction it ought to take. I think the U.S. has always been recognized as a Government and society which makes a great deal about academic freedom and these things are written in the charter.

STATEMENT REQUIRED BY RULE XI(1)(3) OF HOUSE RULES

Pursuant to the requirements of Rule XI(1)(3) of the Rules of the House of Representatives, the following statements are made:

(A) *Oversight findings and recommendations:* The essential task of the Department of State during the current period of international instability and change is to maintain a maximum rate of efficiency and effectiveness. The committee finds the Department is pursuing that objective.

(B) *Congressional Budget Act, section 308(a) requirement:* This bill provides for no new budget authority and increased tax expenditures.

(C) *Congressional Budget Office estimate and comparison:* No estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been received by the Committee.

(D) *Committee on Government Operations summary:* No oversight findings and recommendations have been received which relate to this measure from the Committee on Government Operations under clause 2(b)(2) of Rule X.

INFLATIONARY IMPACT STATEMENT

The bill would not have any identifiable inflationary impact. On the contrary, figures contained in the bill reflect an existing average worldwide inflation rate of approximately 18.8 percent.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman) :

ACT OF AUGUST 1, 1956

AN ACT To provide certain basic authority for the Department of State

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SEC. 14. (a) * * *

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(d) As used in this section—

(1) the term "Foreign Service employee" means *any national of the United States who is a chief of mission, a Foreign Service officer, a Foreign Service information officer, a Foreign Service Reserve officer of limited or unlimited tenure, [or] a Foreign Service staff officer or employee, a consular agent, or a United States representative to an international organization or commission;*

(2) each of the terms "widow," "widower," "child," and "parent" shall have the same meaning given each such term by section 8101 of title 5, United States Code; and

(3) the term "United States" means the several States and the District of Columbia.

* * * * *

SEC. 17. *The Secretary of State is authorized to use appropriated funds to defray unusual expenses incident to the operation and maintenance of the living quarters of the United States Representative to the Organization of American States to the extent that such expenses are similar to the unusual expenses incident to the operation and maintenance of official residences in foreign countries which may be defrayed under section 5913(b) of title 5, United States Code.*

ACT OF JUNE 4, 1936

AN ACT Authorizing construction, operation, and maintenance of Rio Grande canalization project and authorizing appropriation for that purpose

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SEC. 2. There is authorized to be appropriated the sum of **[\$3,000,000]** *\$4,500,000* for the purposes of carrying out the provisions of section 1 hereof, other than for operation and maintenance, including salaries and wages, fees for professional services; rents; travel expenses; per diem in lieu of actual subsistence; printing and binding, law books,

and books of reference: *Provided*, That the amount herein authorized to be appropriated shall include so much as may be necessary for completion of construction of the diversion dam in the Rio Grande wholly in the United States, in addition to the \$1,000,000 authorized to be appropriated for this purpose by the Act of August 29, 1935 (49 Stat. 961): *Provided further*, That the total cost of construction of said diversion dam and canalization works shall not exceed **[\$4,000,000] \$5,500,000**: *Provided further*, That the provisions of section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) shall not apply to any purchase made or service procured when the aggregate amount involved is \$100 or less; purchase, exchange, maintenance, repair and operation of motor-propelled passenger- and freight-carrying vehicles; hire with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment; acquisition by donation, condemnation, or purchase of real and personal property; transportation (including drayage) of personal effects of employees upon change of station; telephone, telegraphic, and airmail communication; rubber boots for official use by employees; ice; equipment, services, supplies, and materials and other such miscellaneous expenses as the Secretary of State may deem necessary properly to carry out the provisions of the Act: *And provided further*, That any part of any appropriation made hereunder may be transferred to, for direct expenditure by, the Department of the Interior pursuant to such arrangements therefor as may be from time to time effected between the Secretary of State and the Secretary of the Interior, or as directed by the President of the United States.

ACT OF JUNE 28, 1935

AN ACT To authorize participation by the United States in the Interparliamentary Union

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **[That an appropriation of \$120,000 annually is authorized, \$75,000 of which shall be for the annual contributions of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration; and \$26,900, or so much thereof as may be necessary, to assist in meeting the expenses of the American group of the Interparliamentary Union for each fiscal year for which an appropriation is made, such appropriation to be disbursed on vouchers to be approved by the President and the executive secretary of the American group.]** *That there is authorized to be appropriated for fiscal year 1976 and for each subsequent fiscal year—*

(1) *for the annual contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration, an amount equal to 13.61 per centum of the budget of the Interparliamentary Union for the year with respect to which such contribution is to be made if the American group of the Interparliamentary Union has approved such budget; and*

(2) *to assist in meeting the expenses of the American group for such fiscal year, \$45,000, or so much thereof as may be necessary.*

Funds made available under paragraph (2) shall be disbursed on vouchers to be approved by the president and the executive secretary of the American group.

SEC. 2. That the American group of the Interparliamentary Union shall submit to the Congress a report for each fiscal year for which an appropriation is made, including its expenditures under such appropriation.

SEC. 3. *After January 1, 1976, there shall be not to exceed nine delegates from the House of Representatives to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. Not more than five delegates from the House of Representatives to any such Conference may be of the same political party.*

FOREIGN SERVICE ACT OF 1946

TITLE V—APPOINTMENTS AND ASSIGNMENTS

ASSIGNMENTS TO PUBLIC ORGANIZATIONS

【SEC. 576. (a) Not less than fifty Foreign Service officers shall, between their eighth and fifteenth years of service as such officers, be assigned in the continental United States during each fiscal year for significant duty with State or local governments, public schools, community colleges, or other public organizations designated by the Secretary. Such assignment shall be for twelve consecutive months. Each such Foreign Service officer shall be entitled to state a preference with respect to the type of public organization to which he would like to be assigned but may not state a preference with respect to the geographical location to which he would like to be assigned.】

SEC. 576. (a) *A substantial number of Foreign Service officers shall, before their fifteenth year of service as such officers, be assigned in the United States during each fiscal year for significant duty with the Congress, State or local governments, public schools, community colleges, or other public organizations designated by the Secretary. To the extent practical such assignments shall be for at least 12 consecutive months and may be on a reimbursable basis.*

(b) A Foreign Service officer on assignment under this section shall be deemed to be on detail to a regular work assignment in the Service, and the officer remains an employee of the Department while so assigned. 【However, any period of time an officer is assigned under this section shall not be included as part of any period that the officer has remained in a class for purposes of determining whether he is to be selected out under section 633 of this Act, or regulations promulgated pursuant thereto. The salary of the officer shall be paid from appropriations made available for the payment of salaries of officers and employees of the Service.】

TITLE VI—PERSONNEL ADMINISTRATION

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PART C—PROMOTION OF FOREIGN SERVICE OFFICERS AND
FOREIGN SERVICE RESERVE OFFICERS

PROMOTION OF FOREIGN SERVICE OFFICERS BY SELECTION

SEC. 621. All promotions of Foreign Service officers shall be made by the President, in accordance with such regulations as he may prescribe by appointment to a higher class, by and with the advice and consent of the Senate. Promotion shall be by selection on the basis of merit. *The affidavit requirements of sections 3332 and 3333(a) of title 5 of the United States Code shall not apply with respect to a Foreign Service officer who has complied with such requirements and who is subsequently promoted by appointment to a higher class without a break in service.*

* * * * *

WITHIN-CLASS SALARY INCREASES OF FOREIGN SERVICE
OFFICERS AND RESERVE OFFICERS

[SEC. 625. Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in a given class for a continuous period of nine months or more, shall, on the first day of each fiscal year, receive an increase in salary to the next higher rate for the class in which he is serving. Without regard to any other law, the Secretary is authorized to grant to any such officer additional increases in salary, within the salary range established for the class in which he is serving, based upon especially meritorious service.]

SEC. 625. (a) *Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in a given class for a continuous period of nine months or more, shall, on the first day of the first pay period that begins on or after July 1 each year, receive an increase in salary to the next higher rate for the class in which such officer is serving. Credit toward such nine-month period may be granted to an officer in accordance with such regulations as the Secretary may prescribe for any civilian service of such officer with the Government or with the government of the District of Columbia which was performed subsequent to any break in service in excess of three calendar days and subsequent to the officer's last equivalent increase in pay. As used in this subsection, the term "equivalent increase in pay" means—*

(1) *any increase in basic salary resulting from—*

(A) *a grade or class promotion,*

(B) *a regularly scheduled within-grade or within-class step increase, or*

(C) *a salary adjustment or combination of adjustments—*

(i) *made since the last equivalent increase in pay,*

(ii) *resulting from conversion from one pay system to another, and*

(iii) equal to or greater than the amount of the within-class increase for the class to which the officer was appointed; or
(2) such other increases in salary as the Secretary may by regulation designate;
but does not include any general increase in salary granted by law or any within-grade or within-class increase in salary awarded for meritorious performance.

(b) Without regard to any other law, the Secretary is authorized to grant to any Foreign Service officer or any Reserve officer additional increases in salary, within the salary range established for the class in which such officer is serving, based upon especially meritorious service.

SECTION 9 OF THE STATE DEPARTMENT/USIA AUTHORIZATION
ACT, FISCAL YEAR 1975

ASSIGNMENT OF FOREIGN SERVICE OFFICERS TO PUBLIC ORGANIZATIONS

SEC. 9. (a) * * *

[(b) The amendment made by subsection (a) of this section shall apply only to a Foreign Service officer who completes his eighth year of service as such an officer on or after the date of enactment of this Act.]

MIGRATION AND REFUGEE ASSISTANCE ACT OF 1962

AN ACT To enable the United States to participate in the assistance rendered to certain migrants and refugees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Migration and Refugee Assistance Act of 1962".

SEC. 2. (a) * * *

* * * * *

(c) Whenever the President determines it to be important to the national interest, not exceeding ~~[\$10,000,000]~~ \$25,000,000 in any fiscal year of the funds made available for use under the Foreign Assistance Act of 1961, as amended, may be transferred to, and consolidated with, funds made available for this Act in order to meet unexpected urgent refugee and migration needs.

* * * * *

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel
7D49

EXTENSION

NO.

DATE

30 July 1975

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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Attached for your information is the Senate debate surrounding its approval of H.R. 2559. Title 2 of that bill grants automatic cost-of-living increases to members of Congress, Federal judges, and top level Federal executives. Today the House completed action by rushing through approval of Title 2, which the Senate had attached to the original House bill on Tuesday.

George L. Cary
Legislative Counsel

STAT

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendment to H.R. 5247.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I have commended my colleagues on the Public Works committee for the nonpartisan spirit that prevailed during consideration of the bill, and for their generosity and assistance. Especially, I wish to thank Senator McCURE, ranking minority member of the subcommittee, and our chairman, Senator RANDOLPH.

I wish also to thank the staff—both majority and minority—for their creativeness, diligence, and hard work during the long weeks we have had this bill under consideration.

The PRESIDING OFFICER. Will the Senators take their seats. The Senate will be in order. The Senators will clear the well. Senators will take their seats. All Senators will take their seats. Senators wishing to converse will kindly withdraw to the cloakrooms. All Senators will take their seats.

The Senator from West Virginia.

POSTAL SERVICE COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. ROBERT C. BYRD. Mr. President, in accordance with the order entered earlier today, I ask that the Chair lay before the Senate H.R. 2559.

The PRESIDING OFFICER. Without objection, the clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2559) to amend title 39, United States Code, to apply to the United States Postal Service certain provisions of law providing for Federal agency safety programs and responsibilities, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. ALLEN. Mr. President, I imagine that the manager of the bill would like to make a short statement before my amendment comes up.

The PRESIDING OFFICER. The amendment is the pending question.

Mr. McGEE. If the amendment of the—

Mr. ALLEN. I call for the yeas and nays.

I will not, I do not call for the yeas and nays at this time.

I want to modify the amendment.

Mr. McGEE. Mr. President—

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. McGEE. Mr. President, I would be glad to have the Senator from Alabama proceed, but I have a 3- or 4-minute kind of opening statement to catch up with where we left off last night, if that is agreeable.

Mr. ALLEN. Yes, sir.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, what we have presented here to the Senate is a result of, actually, 4 months of negotiations, give or take, with the President himself, with the Chief Justice of the United States, with the leadership in this Chamber on both sides of the aisle, and with our colleagues in the House, and we have arrived at the only common denominator that all of these elements believe is essential at this time, and that is a change, a reform really, in the mechanism for achieving pay comparability—to put an end to the catch-up game in cost of living.

In that measure, to try to accommodate Federal employees in their pay scale in relation to the private sector, a formula was structured through the Congress to provide for an agent reporting to the President to report on their estimate of what had happened to affect the cost of living in a 12-month period and to report to the President that spread, if there was one. At which point, the President was required either to accept his agent's recommendation without any action, in which case it would go into effect October 1 each year, or to suggest an alternative estimate or percentage, and, if the Congress did not like that, the Congress itself could alter it and agree to the agent's recommendation.

Let me illustrate, this year the President's agent has indicated that in their study the increase in the cost of living since last October 1 amounts to approximately 8.6 percent. On the report they will submit to President Ford, the President has announced that he has not decided firmly whether to accept that 8.6, but he indicates that he may end up at around 5 percent as his recommendation for the statutory employees in the Federal Government.

Now, that is the formula as it operates at the present time.

The committee amendment to that formula simply puts into this formula that groups of Federal officers and employees not included.

Those groups are these, all of the judiciary branch of the Government, Federal judges; the legislative branch, the House and the Senate; the Cabinet and sub-Cabinet officials of the Executive Schedule; and in addition, any—for example, the military, as the Senator from Virginia raised the point last night—who were affected by the \$36,000 ceiling which had been imposed under the original legislation, and that involves, actually, 600 general officers out of the total.

There are approximately 10,000 involved here in the super-grades, who would no longer have a \$36,000 ceiling, and the rest of the individuals involved, in very much smaller numbers, would be the Federal judiciary and the two Houses of the Congress.

I quote from President Ford's letter to us on this in which the President says that this is a necessary step at this time. The President adds that the cost of taking this step is but a fraction of the Federal payroll.

It is his hope that the Congress would move on this.

The Director of the Bureau of the Budget, Jim Lynn, has projected this in his budget projection in order to accommodate the President's wishes. He has worked very closely with us at the same time.

Finally, the letter to the chairman and ranking Member of the Senate Post Office and Civil Service Committee from the joint leadership requested that the committee move in precisely this way.

So that is what is submitted for the consideration of the Senate tonight. That is the background that I would supply.

Mr. President, before going directly to the merits of the proposal before the Senate, I want to take a moment to answer a question posed last night by my distinguished colleague from Virginia (Mr. HARRY F. BYRD, JR.) who wanted to know the ranks of the 600 or so military officers whose rates of pay now are frozen at the \$36,000 figure and who would thus benefit from the provisions of H.R. 2559.

Military and naval pay, generally speaking, is not within the jurisdiction of the Committee on Post Office and Civil Service, though the rate of basic pay is limited by section 5308 of title 5. My colleague is advised that this pay limitation now affects major generals with more than 22 years of service, lieutenant generals with more than 20 years of service and generals with more than 12 years of service, if indeed such an officer exists. Of course, rear admirals, vice admirals and admirals are affected as well.

In terms of basic pay, no members of the Armed Services are now paid more than \$36,000, though the Senator is correct in his statement that some officers are compensated at a rate in excess of the pay of Members of Congress. This is so because of other forms of compensation afforded, including quarters and subsistence allowances, a Federal tax advantage, and incentive pay for physicians and dentists and personnel on flying status.

Mr. President, to fully answer my colleague's question, I shall ask unanimous consent that a table setting forth illustrative examples of total annual compensation for military officers be printed in the Record.

Now, Mr. President, let me address the amendment offered here last night by the distinguished Senator from Alabama (Mr. ALLEN), which would remove Members of Congress from this bill.

That, of course, is exactly what the Committee on Post Office and Civil Service proposed to do in 1974 when it reported to the Senate on the President's latest proposal for adjustments in the pay of the Government's top officials in the executive, legislative, and judicial branches. That proposal, Senators will recall, was rejected in whole.

In June, I received, as chairman of the Committee on Post Office and Civil Service, a letter from the distinguished majority and minority leaders of the Senate. That letter, along with other per-

inent documents, including a letter from the President of the United States to the Presiding Officer of the Senate, have been made available for every Member.

In their June 11 letter, Senators MANSFIELD and SCOTT referred to the President's 1975 Budget message, which made note of the very serious and adverse effect the lack of salary adjustments had had in the areas of recruiting, retention, and incentive for advancement throughout the Federal service. And they observed, quite correctly, that "The obligations of a Member of Congress are in many respects more demanding than anyone else in Government service."

It was the joint recommendation of the majority and minority leadership, then, that this matter be dealt with in a straightforward fashion and that legislation be presented to the Congress that would extend the same cost of living percentage increase for the positions frozen since 1969 as is provided for employees of the Government generally.

That we have done.

Because of the time constraints, and because it was our hope to conclude congressional action prior to August 1 so that some officers and employees who might otherwise be contemplating retirement as of the end of this month could reconsider their decision, the committee moved as it did to amend a House-approved measure, and our choice was H.R. 2559.

In considering this measure in committee, the committee weighed an amendment offered by the distinguished Senator from West Virginia (Mr. RANDOLPH), which would have delayed any benefit for Members until January of 1977—the 95th Congress. That amendment failed, as did another which would have limited any benefits under this bill to members of the Federal Judiciary only.

Mr. President, the reluctance of Members of the Senate and of the other body, too, to take any action which might result in a pay raise for themselves has for far too long penalized other officers and employees of the Government. It has penalized the Government itself. And, in point of fact, it has penalized the taxpayer because of the impact it has had on persons in key posts who administer the public's business. As the President of the United

States has said in a letter addressed to the President of the Senate,

Several dozen of the Government's top posts are unfilled at this time simply because many of the executives we want to bring into Federal Service cannot, in fairness to their families, accept the huge cut in compensation that would be involved.

Further along, the President wrote:

As you know, the Senate Civil Service Committee has reported out H.R. 2559 to extend to employees of the Executive, Judicial and Legislative branches whose pay has been frozen so long, increases commensurate with those granted to other employees whose salaries are not frozen.

This statutory change will not result in any "catch-up" for the last six years and will not solve all of the inequities we now have. But I feel we must move at once in this direction. I consider H.R. 2559 as a vital first step. Further action to solve the problem will be addressed by the Panel on Federal Compensation which I established recently and by the next Quadrennial Commission on Executive, Legislative and Judicial salaries.

The added cost of the compensation adjustments of H.R. 2559 will come to a fraction of one percent of the Federal payroll. In my judgment, this action is essential if we are to recruit and retain qualified and competent senior-level people to conduct our Government's business. I, therefore, urge the Congress to enact this bill promptly.

Mr. President, I could not state the case any better than the President has. And if some of my colleagues should arrive at the conclusion that there has been liaison, even close liaison, between the committee and the White House, they would be correct. The Civil Service Commission and the committee's counterpart on the House side, too, have been involved in efforts to arrive at some modest means of relieving the ravages of inflation on these people who have been without any increase in pay since March of 1969 and, more importantly, take what the President of the United States has called this "vital first step" toward the solution of what is becoming an evermore serious management problem for the Government in all of its branches.

Mr. President, further action, the President has said, will be taken by the special panel he has established under the chairmanship of the Vice President of the United States and, of course, by the statutory Commission on executive, legislative and judicial salaries. Those recommendations will come before the Senate in due course.

no one individual in this country more concerned about the state of the Federal budget, the level of expenditures, than the President of the United States. Yet, he calls this bill as it stands "essential" and urges its enactment. Further, we have been assured that since the top executives and employees affected by the bill are spread throughout the Government, the increased costs will be absorbed without additional appropriation requests in the current fiscal year.

Mr. President, in dollars and cents this bill does not do a lot. Yet, it is a sign to thousands of key Government people that the Congress recognizes what inflation has done to their paychecks in terms of purchasing power since they were last given a raise. It can do much for morale among these people.

The committee has recognized that the problem of confronting 6 years of inflation on a 1969 salary is not limited to any one group—not to judges, not to doctors, and not to cabinet officers. We have not picked and chosen among the affected officers and employees in this measure. All who have been frozen for so long would get the same benefit—whatever the final decision is on the coming comparability raise for Federal employees generally, whether that be 5 percent, 8.66 percent or some other figure. And that includes Members of Congress themselves, who share the same frozen status. Excluding Senators and Congressmen would mean a saving, on an annual basis, of less than \$2 million even at the top percentage rate so far recommended, 8.66 percent.

Before too long, I trust we can deal more directly with the inequities created by the 6-year void in salary adjustments government-wide. Meanwhile, I join the President in urging Senators to bite this bullet. It is of quite small caliber.

Mr. President, I ask unanimous consent that there be printed in the Record a breakdown in response to a question by the Senator from Virginia last night concerning the military general officers that were affected by this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the Record, as follows:

SELECTED EXAMPLES OF ANNUAL COMPENSATION PROVIDED VARIOUS OFFICER PAY GRADES, OCTOBER 1974

Pay grade, Army title	Years of service for pay	Number of dependents	Basic pay	Quarters	Subsistence	Total pay and allowance bonuses 3+4+5	Federal tax advantage	Compensation ¹	Physician ²	Flight ³	Column 8+9+10	Column 11
	1	2	3	4	5	6	7	8	9	10		11
O-10 General*	26	1	\$36,000	\$3,647	\$606	\$40,253	\$3,291	\$43,544			\$43,544	\$43,544
	26	1	36,000	3,647	606	40,253	3,291	43,544	\$4,200		47,744	47,744
	26	1	36,000	3,647	606	40,253	3,291	43,544		\$1,980	45,524	45,524
O-9 Lieutenant general*	26	2	36,000	3,647	606	40,253	3,234	43,487			43,487	43,487
	26	2	36,000	3,647	606	40,253	3,234	43,487	10,200		53,687	53,687
	26	2	36,000	3,647	606	40,253	3,234	43,487		1,980	45,467	45,467
	26	2	36,000	3,647	606	40,253	3,234	43,487			43,487	43,487
O-8 Major general	26	2	36,000	3,647	606	40,253	3,234	43,487	10,200		53,687	53,687
	26	2	36,000	3,647	606	40,253	3,234	43,487		1,980	45,467	45,467
	26	2	36,000	3,647	606	40,253	3,234	43,487			43,487	43,487
O-7 Brigadier general	26	2	31,565	3,647	606	35,818	2,724	38,542			38,542	38,542
	26	2	31,565	3,647	606	35,818	2,724	38,542	12,091		50,633	50,633
	26	2	31,565	3,647	606	35,818	2,724	38,542		1,980	40,522	40,522

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Pay grade, Army title	Years of service for pay	Number of dependents	Basic pay	Quarters	Subsistence	pay and allowance columns 3+4+5	Federal tax advantage	Compensation ¹	Physician ²	Flight ²	Columns 8+9+10
	1	2	3	4	5	6	7	8	9	10	11
0-6 Colonel.....	26	3	27,727	3,272	606	31,605	2,137	33,742			33,742
	26	3	27,727	3,272	606	31,605	2,137	33,742	15,200		48,942
	26	3	27,727	3,272	606	31,605	2,137	33,742		2,940	36,682
0-5 Lieutenant colonel.....	20	3	21,856	3,024	606	25,486	1,523	27,009			27,009
	20	3	21,856	3,024	606	25,486	1,523	27,009	16,200		43,209
	20	3	21,856	3,024	606	25,486	1,523	27,009		2,940	29,949
0-4 Major.....	14	3	17,640	2,729	606	20,975	1,157	22,132			22,132
	14	3	17,640	2,729	606	20,975	1,157	22,132	17,700		39,832
	14	3	17,640	2,729	606	20,975	1,157	22,132		2,640	24,772
0-3 Captain.....	6	3	13,932	2,477	606	17,015	950	17,920			17,920
	6	3	13,932	2,477	606	17,015	950	17,920	17,700		35,620
	6	3	13,932	2,477	606	17,015	950	17,920		2,160	20,080
0-2 1st lieutenant.....	2	2	9,580	2,225	606	12,411	573	12,984			12,984
	2	2	9,580	2,225	606	12,411	573	12,984			12,984
	2	2	9,580	2,225	606	12,411	573	12,984		1,500	14,484
0-1 2d lieutenant.....	0	1	7,610	1,793	606	10,009	498	10,507			10,507
	0	1	7,610	1,793	606	10,009	498	10,507			10,507
	0	1	7,610	1,793	606	10,009	498	10,507		1,200	11,707

¹ Regular military compensation is defined in law as basic pay, quarters and subsistence allowances (either cash or in kind) and the tax advantage of those allowances.

² Amount is total of (a) special pay: physicians (U.S.C. 37 sec. 302) and (b) special pay: Continuation pay for physicians and dentists who extend their service on active duty (U.S.C. 37 sec. 311) or (c) special pay: Medical officers who execute active duty agreements (U.S.C. 37 sec. 313). General officers receive (a) and (b). Other officers serving time beyond an initial obligation receive (a) and (c). Officers on an initial obligation receive only (a). All payments under (c) are assumed

to be for the maximum allowable payment which accrues as a result of four year agreements (these payments are less when agreements are made for less than 4 years).

³ Flight pay is based on pay grade and years of service and payment is restricted for 0-5's and above to those in operational flying assignments.

* Receive a personal money allowance, reference sec. 414, title 37. Annual rates are: 0-10—\$2,020; 0-9—\$500.

Note: Totals may not add due to rounding.

Mr. HARRY F. BYRD, JR. Before putting it into the Record, will the Senator yield so I may examine it?

Mr. McGEE. I will withhold it from the Record until the Senator from Virginia has a look at it.

I would like to yield, if I may, Mr. President, to my colleague, the ranking minority member of the committee.

Mr. FONG. Mr. President, I thank the distinguished chairman for yielding to me.

The matter before the Senate now is the amendment by the distinguished Senator from Alabama, cosponsored by the distinguished Senator from Mississippi (Mr. HELMS) to delete from the bill the cost-of-living allowance that will be given to Members of Congress. He would leave the cost-of-living allowance for all members of the judiciary branch and all members of the executive branch, but cut the Members of Congress from this cost-of-living allowance.

Mr. President, this is a very biased amendment, and it is a very discriminatory amendment. It is biased and discriminatory because it picks on the Members of Congress. Its aim is to deny Members of Congress what is proposed for employees of the judicial branch and the executive branch.

Mr. President, why should Members of Congress be denied when members of the judiciary and members of the executive employees receive it? There is no good reason why Members of Congress should be discriminated against by this amendment. Therefore, Mr. President, I strongly oppose this amendment to exclude Members of Congress from receiving this cost-of-living allowance. The whole thrust of this measure before us is to include all Federal officials and employees who are now excluded from the Pay Comparability Act, regardless of whether they are in the legislative, executive, or judicial branch of Government. We will not do equity if we start amending this bill to exclude certain classes or groups of Federal personnel not now receiving pay raises. They are

all in the same boat, the members of the judiciary, the members of the executive, and the Members of Congress. They have not received a pay adjustment or a pay increase since 1969, which is 6 years ago.

If it is equitable to give cost of living allowances to members of the judiciary and to members of the executive branch, why is it not equitable to give it to Members of Congress, all of them being in the same boat, all of them not having received a cost of living allowance or an adjustment or an increase since 1969?

Surely, Mr. President, there are many Members of Congress who are in no need of any adjustment in their salary. There are those who even do not need a salary to be here. Many citizens of our country would be happy to come here and serve without pay. But there are many Members of Congress, Mr. President, who are financially hard pressed under current inflationary circumstances. We all know that Members of Congress, because of their many expenses, their many commitments, their various contributions to this and that charity, barely get by on a \$42,500 salary that they are now receiving.

This Senate, Mr. President, is not a rich man's club. If we do not do anything to help these Members who are barely getting along with their \$42,500 salary, we will make this a rich man's club and the only persons who could come to Congress will be those who are affluent.

We do not want the membership of this Senate and the House of Representatives to be based on one's wealth, or lack of it. The Senate should be open to all those who are qualified by talent and experience to serve the American people, and not only on their ability to pay the high cost of holding an important public office.

Serving in the Senate and in the House of Representatives are young Members who do not have the financial means to live within the \$42,500 income for any number of reasons: to pay for

the college education of their children, some of them with two or three children in college and a college education now costing about \$4,000 to \$5,000 for a single student; to pay for travel for themselves and their wives. I do not need this cost-of-living increase, but every time my wife comes with me from Hawaii, it costs her \$560 to come here and return. I go home once a month and it is \$560 every month just to pay her travel expenses on United Airlines.

I am quite sure that there are many others who are in a more or less similar situation.

I say I do not need this cost-of-living increase. I can come here and serve without pay, but there are many Members of Congress who need this money.

What we are doing here is not to give them a salary increase as they deserve it in comparability with that of private industry, but to give them this cost-of-living allowance.

By way of comparison, Mr. President, we passed a bill just a few days ago to give a Senator's administrative assistant the salary of \$38,000, and I have given my administrative assistant a salary of \$38,000. If we eliminate the Members of Congress from this bill, my administrative assistant will get the 8 percent or 8.6 percent, whatever it may be, increase in salary in October. That will give her an additional \$3,040. Then she will get a salary of \$41,040, which is \$1,460 less than what I am receiving.

As everyone knows, the financial burdens of a Senator go far beyond those of an administrative assistant. Taking care of constituent requests, living away from his home State, paying for his traveling expenses, often maintaining two residences—all of these expenses are borne by the Senator alone. The administrative assistant does not have these expenses. Yet, in 2 years' time if this bill is passed without the Members of Congress coming in under this bill, the administrative assistant will get about \$2,000 more than what the Senator is receiving.

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The present \$42,500 salary for the Members of Congress was established on May 1, 1969, and not a single cent has been added to it since. In constant 1969 dollars, this \$42,500 salary is now only \$28,815 as of May 1975. The next quadrennial commission will meet in 1976. It will make a recommendation to the President at the end of 1976, and the President will then make his recommendations to Congress in the first part of 1977. If the Members of Congress do not receive an increase until 1977, the \$42,500 salary in constant dollars of 1969 will be worth only \$22,500, which is the salary we received prior to January 3, 1965.

The bill seeks only to keep the congressional pay in step with the cost of living. It in no way takes care of the salary adjustments lost during the past 6 years. In the past 6 years salaries of middle and lower income employees under the GS schedule have increased by 50 percent. The cost of living has increased by 47 percent.

Executives in private industry have increased their salaries since 1969 by 44 percent, and attorneys have increased their incomes by 44 percent. Yet the Federal judges have not received a single cent of increase in their pay.

Excluding Members from receiving the cost of living raise, as the Allen-Helms amendment proposes, would save very little in terms of its impact on the total Federal payroll. The congressional payroll now amounts to \$23 million. This is minuscule compared to the annual payroll of \$49 billion which the Federal Government pays to its civilian and military employees.

An 8-percent, cost-of-living increase for the legislative branch would amount to \$1.8 million a year. This bill carries a cost of approximately \$58 million; \$42 million of that \$50 million is to take care of the GS-18, -17, -16, -15, and -14 employees who are held down by the compression to a maximum of \$36,000. Of the remainder, \$2.4 million goes to the executive branch and \$3.5 million goes to the judiciary, whereas the amount that goes to Members of Congress would be only 1.9 million. It is only a tiny fraction of the total package of cost-of-living increases in the bill, a package which would amount to about \$50 million.

For these reasons, I strongly oppose the amendment proposed by the distinguished Senator from Alabama, because I think it is biased, it is discriminatory, and it does not meet the present needs of many Members of Congress who are in the same situation as members of the judiciary and members of the executive branch.

Mr. STEVENS. Mr. President, we will soon be voting on H.R. 2559 as amended in the Post Office and Civil Service Committee. Title I of H.R. 2559 resolves a current inequity now faced by our postal employees. Should this legislation pass, the U.S. Postal Service would come under the provisions of the Occupational Safety and Health Act. This law would require the Postmaster General to maintain an effective and comprehensive occupational and health program for the U.S. Postal Service employees. The Postal Service has in many respects, lived up to the spirit

of the law, although they are not compelled to do so. Nevertheless, passage of title I of H.R. 2559 is a wise one. Mr. President, I know of no opposition to this first title of the bill.

However, title II is another matter. I know there is opposition and yet the very aspects which make title II so necessary also make it controversial. Title II would provide minimal cost of living adjustments for the top executive, legislative, and judicial officers and employees. Title II allows for these adjustments equal to the percentage set forth in the report transmitted to Congress under section 5305 of title V of the United States Code which pertains to annual adjustments in the rates of pay under the general schedule. The adjustment would take effect at the beginning of the first month in which the adjustment under section 5305 occurs. Unless altered by an alternative plan proposed by the President which is not disapproved by either the Senate or the House of Representatives, that adjustment occurs as of the beginning of the first applicable pay period commencing on or after October 1 of each year.

For 76 months the senior civil service employees of this Nation have experienced a decreasing salary. A decreasing salary when the rest of the Nation has benefited by ever increasing income when all manner of goods and services have increased in price except the services of the men and women who manage this Nation. Title II of this bill will not correct the current inequity. It will simply keep it from getting progressively worse. Title II will not restore the 47.5 percent loss in purchasing power the almost 1,500 Federal employees have suffered since 1969. However it will provide at least a cost-of-living type of relief.

It is a stopgap measure at best, but it is a necessary measure. If this measure is not adopted and nothing is done to at least keep abreast of inflation for these individuals affected by this legislation, the salary recommendations of the Commission on Executive, Legislative, and Judicial Salaries will be so significant that public reaction may well be so negative as to prevent any meaningful adjustment even in 1977. And yet we must do something to insure that the public officials will no longer face constantly decreasing purchasing power. We must do something to insure that our top echelon of Federal employees do not suffer for their dedication to duty. At least title II of H.R. 2559 will allow these Government employees the dignity of a constant, even though inadequate, rather than decreasing salary.

Too often as we debate the question of congressional, executive, and judicial salary increases we think in terms of reaction to an increase for ourselves rather than the effect on the other two branches of Government. And yet we cannot separate ours from the other two without putting into question the constitutional balance of powers. We need to take only a brief look at the incredible morale problems created by the compression of GS-15 individuals receiving the same income as GS-18's. Unless it affects the top echelon of Government the annual pay comparability increase will, because

of the compression factor continue to make the situation worse. It is expected that with the October 1 Federal comparability pay increase the compression will reach into the GS-14 level. Without question this compression weakens two statutory pay principles of internal equity: First, equal pay for equal work, and second, the maintenance of pay distinctions in keeping with work and performance distinction. One hundred percent of the employees in GS-17 and GS-18, 89 percent of GS-16, and 19 percent of GS-15 now receive the same income.

The statutory pay principle requires that those paid the same should have equal responsibilities. Quite obviously this is not the case now. This is a poor management situation, which simply would not be tolerated in private industry. A June 1974 study by the Civil Service Commission showed that the intergrade differentials between the private sector equivalents and GS-15 through GS-18 were as follows:

	Percent differential
Between grades:	
GS-15 and GS-16.....	24.6
GS-16 and GS-17.....	26.3
GS-17 and GS-18.....	27.5

To continue the folly of keeping the \$36,000 ceiling on executive salaries will not only further distort pay distinction in keeping with work distinction but will continue to reduce the morale within the work force and have a negative impact upon the career incentives of employees entering the career service.

We need only to contact department heads and talk to them about the decreasing salary situation and what it is doing to the early retirement of valued employees and the inability of these agencies to recruit the necessary people to carry out the legislation of this branch compared to the 1975 purchasing power to understand why this problem exists.

Executive Level	Salary		Purchasing power	
	March 1969	May 1975	January 1977	
I.....	\$60,000	\$40,680	\$36,570	
II.....	42,500	28,815	25,904	
III.....	40,000	27,120	24,380	
IV.....	38,000	25,764	23,161	
V.....	36,000	24,408	21,942	

The judicial branch faces the same kinds of problems according to a Department of Labor survey. Attorney's fees have risen 44 percent since 1969 while the salaries of U.S. judges have remained the same. The average salary of State chief judges have increased more than 44 percent during this same period of time. In my own State, a distinguished member of the State supreme court resigned to become a member of the Federal district court. To do so required that he take a reduction in salary in excess of \$8,000. The Federal Government was lucky to obtain the services of such an honorable and dedicated individual. However, my friends, it is wrong in my opinion to require men of such dedication to take financial losses. It is wrong to require men of talent and dedication to the Federal system to face continuing decreases in purchasing power. It is wrong for us to expect them to continually offer their skills at a salary

\$15,000 to \$25,000 less than they could obtain in private industry.

I want to call to the attention of my colleagues the Post Office and Civil Service Committee report on this measure, H.R. 2559. It is an excellent report and it contains a great deal of information that I hope the Members of this body will look at closely. Let me close by quoting from the Commissioner of the Social Security Administration, James B. Cardwell. The situation we find ourselves in relating to salaries of the individuals affected by this legislation "is not smart government. It is not smart economics. For that matter, it is not smart anything." I heartily concur.

Mr. ALLEN. Mr. President, I oppose title II of the bill, the portion that was added by the Post Office and Civil Service Committee. It has nothing to do with the original purpose of the bill, and if Senators will turn to their copies of the bill, H.R. 2559, they will see that title I, the Postal Service, extends only for some 11 lines. It places the Postal Service under the Occupational Safety and Health Act. That was the purpose of the bill. But the main purpose of the bill as it now stands is to provide guaranteed annual salary raises for people in the executive department, in the legislative department, and in the judicial department.

Mr. President, I feel that if Congress wanted to raise its salary, it should do so in a direct, head-on approach, and that we should not seek to raise our salary by a method that will be disguised, a backdoor approach to a salary raise.

Considering the history of salary raises here in Congress, I think it is interesting to note—and this table is contained in the retirement contract that Members of Congress, and I assume all Federal employees, have—it gives a history of the compensation of Members of Congress dating back to August 1, 1920. At that time, the compensation was \$7,500, and it stayed at that figure until March 2, 1925. I ask unanimous consent that the table from which I am reading be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

Period:	Basic salary rate
8-1-20 to 3-2-25---	\$7,500.
3-3-25 to 1-2-47---	\$10,000.
1-3-47 to 1-2-53---	\$12,500.
1-3-53 to 3-31-54---	\$12,500 (if deposit for expense allowance is not made). \$15,000 (if deposit for expense allowance is made).
4-1-54 to 2-28-55---	\$15,000.
3-1-55 to 1-2-65---	\$22,500.
1-3-65 to 2-28-69---	\$30,000.
3-1-69 and after---	\$42,500.

Mr. ALLEN. Then, Mr. President, on March 3, 1925, the salary was set at \$10,000, and that salary remained constant, then, for 22 years. Starting in 1925 we had an inflationary period that extended on through 1929; yet there was no adjustment, and the salary stayed at \$10,000. But the purpose of the legislation before us at this time is to guarantee, without further action on the part of Congress, annual salary raises.

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approach, as I see it, in addition to not meeting the issue head on but coming in the back door with a nongermane amendment added in committee, is the fact that this method will set up a built-in conflict of interest on the part of every Member of the House of Representatives and the Senate.

Why is that so? Members of Congress would be placed on the same basis, as regards salary and salary increases, as other Federal employees; and we know the system is for the cost-of-living increase be computed, and the President can allow that amount, or can seek to set a lesser amount. We hear discussion now that whereas the Members are entitled to an 8.6-percent raise, I believe there is some thought that the President might set it at a lesser figure.

One can imagine that Presidential plan coming before the House of Representatives and the Senate. With the Members of Congress profiting by the higher figure, would it be possible for the Members of Congress to look at the salaries of the other Federal employees in an objective fashion? I suggest that it might be difficult for that to happen.

I do not feel that we should build in a conflict of interest. We always try to avoid conflicts of interest, but here we are setting one up voluntarily.

The point was made yesterday by the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) that this would insulate Members of Congress from the effects of inflation. They would never feel the inflation, because their salaries would go up based on the increase in the cost of living.

That is not the right image, it seems to the Senator from Alabama, for Congress to project: to build for itself an escape mechanism whereby Members of Congress will escape the ravages of inflation, but John Q. Citizen has got to fend for himself. That hardly seems right, at this time of inflation and recession, for Members of Congress to look after themselves, look after No. 1, and then have little or no thought about the fate of the citizenry generally.

Mr. President, I do not want to prolong the debate on this issue. I know Members of the Senate have heard the Senator from Alabama discuss at length a number of matters recently: The Voting Rights Act, consumer protection, the post card registration—and I will be meeting the distinguished Senator from Wyoming later on that issue.

We can discuss those matters at length, and Members of the Senate will take that delay in good grace. But I just wonder how Members of the Senate might take extended debate on a matter that directly affects their personal interests. So the Senator from Alabama is going to make an effort, by logic and showing the inconsistencies and the lack of wisdom of this move, to convince enough Members of the Senate to kill this amendment, or, failing in that, to kill the entire bill.

Mr. STEVENS. Mr. President, will the Senator yield at that point?

Mr. ALLEN. Yes, I will be delighted.

Mr. STEVENS. I am sure the Senator, in his fairness, quoting the figures that

he did about the past income of Members of Congress, will recall that it is only recently that we have adopted rather stringent rules. For instance, the American Bar Association has adopted very stringent rules about having outside income once lawyers become Members of this body. I can remember the days when I served downtown in the executive branch. Then many of the Members of this body argued cases before the Supreme Court and had thriving law practices.

Having established these new guidelines in order to protect the public interest, does not the Senator from Alabama think that we have a continuing obligation to maintain a comparable income scale so far as the Members of this body are concerned?

Mr. ALLEN. The Senator seems to be talking about the \$15,000 limitation on honorariums. I think that is adequate myself.

Mr. STEVENS. I am talking about total compensation of the Members of the Senate.

I spent the better part of my adult life as a practicing lawyer. Yet, I cannot practice law now and receive an income from that.

Mr. ALLEN. Certainly.

Mr. STEVENS. Does not that have some impact upon the view of the Senator from Alabama as far as a cost-of-living adjustment for Members of the Senate who have no outside income and have no personal fortunes to rely upon?

Mr. ALLEN. If the Senate feels that way about it, I think it could well pass direct legislation on this issue and not pass for itself a guaranteed annual increase in salary. That is one of the features to which the Senator from Alabama objects, the back-door approach on this issue.

Mr. STEVENS. Let me ask the Senator one question. He is familiar with State legislatures. I served in the Alaska State legislature. Does the Senator know of any State legislature—incidentally they serve 2, 3, 4 months out of the year—that receives in terms of annual income approximately one-fifth of the salary of the Chief Executive? Is there any reason why we should work full time, and do we work full time at our jobs now as United States Senators, and receive a salary that is one-fifth of that of the Chief Executive, and he has other allowances on top of that?

Mr. ALLEN. I say, to show the view of the Senator from Alabama on that issue, I voted against doubling the President's salary back in 1969.

Mr. STEVENS. Yes, I know the Senator from Alabama is consistent, and I admire him for that consistency. At the same time, this is a mere cost-of-living adjustment which is basically not just for ourselves but for the people in the supergrades and now down to the 14 and 15 grade levels in the executive branch.

I would mention to my friend from Alabama one other thing: A great friend of mine, who happens to be a Democrat, as a matter of fact, left the State supreme court and became a U.S. district judge in my State. He now receives less income as U.S. district judge than he

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would have if he had stayed on the State supreme court.

Will the Senator from Alabama tell me why we should ignore the needs of our judiciary when the States and the municipalities all over the country are recognizing the great need to increase the salaries of the judiciary, their chief executives, and people in their Government?

Mr. ALLEN. The Senator from Alabama said that, if the Senate feels that way about it, it ought to introduce legislation providing for a salary raise and not to try this backdoor approach.

I am glad the Senator mentioned the judiciary. The Supreme Court Justices receive \$60,000 a year, and they get retirement at \$60,000 a year, without paying a single penny into any retirement fund. Yet they are included in this. I think that is wrong. I think there is some glaring inconsistencies in this schedule.

I noticed, for instance, the Chairman of the Federal Reserve Board receives \$42,500. He is possibly the second most powerful man in the country as regards the economy of the country. Yet he is on the same level as the Deputy Secretary of Defense. He is way below the Supreme Court Justice and just about on a par with the district court judge.

These inconsistencies are built into this legislation, and they start out from there.

I do not think that the Federal Judiciary, particularly the Supreme Court, deserves any increase at all. To build into them an annual increase in compensation I think is very unwise and certainly is against the public interest, as the Senator from Alabama sees it.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield for a question?

Mr. ALLEN. Yes.

Mr. HARRY F. BYRD, JR. Will the Senator read the figure again for the Federal Reserve Board Chairman?

Mr. ALLEN. \$42,500.

Mr. HARRY F. BYRD, JR. The reason I asked that is I am looking at this table of military compensation, and the regular military compensation for major generals is \$43,387.

Mr. ALLEN. Yes, that is right.

Mr. HARRY F. BYRD, JR. So, the point that the Senator from Alabama is suggesting is that this legislation compounds a differential in the salaries which the Senator from Alabama thinks is unwise.

Mr. ALLEN. That is correct.

I notice here, for instance, alongside the Chairman of the Board of Governors of the Federal Reserve System is the Deputy Secretary of the Treasury, Deputy Secretary of Transportation, two deputy Secretaries of Defense, and yet he is there at the same compensation. He certainly ought to be up on the level with the Supreme Court Justices.

Mr. SPARKMAN. Mr. President, will my colleague yield to me for questions and a brief comment?

Mr. ALLEN. Yes, I am delighted to yield.

Mr. SPARKMAN. One thing that I have wondered about is the comparison

of the pay that a Senator gets with his highest paid office assistant. That is set at \$38,000. He gets the cost-of-living increase, as do all of our assistants, as I understand it.

Within a year or a little over the Senator's top assistant, my top assistant, the top assistant in every Senator's office, if he is being paid \$38,000—frankly I do not pay that \$38,000—but if he receives the benefit of the cost of living, within less than 2 years, he will be receiving more than a Senator receives.

How are we going to straighten that out?

Mr. ALLEN. That would be if they are included in this they would naturally get the cost increase. But if we do not set this up, then they would be governed by the \$38,000 limit, and the Members of Congress would be at \$42,500. So, if we exclude them, then the Senator would not have them going higher than the \$38,000.

This bill lifts the ceiling, and if we continue to have 8 and 10 percent inflation, by compounding that each year, it would not take but about 3 years to double the salaries because there is no ceiling on it at all, so we double these salaries, and have the Supreme Court Justices making \$120,000.

Mr. SPARKMAN. Mr. President, if the Senator will yield further, I say this: I have no desire to raise my salary or to have my salary raised. I do not have an easy time of it, because I do not have the outside income that so many people may have, and I certainly do not have any independent resources or assets, but I can live on \$42,500. It is not easy. I will say that. But it just seems to me that if the cost of living increase is to be applied to the employees in our offices and across the board in the executive department, in the judiciary, in the other departments and agencies of Government, there ought to be some arrangements whereby they will not be pushed above the pay of Senators and Members of the House of Representatives.

I served here for a long time at \$10,000. As a matter of fact, a short time before I came to the House—I believe it was just prior to my coming to the House—the salary was raised from \$8,500 to \$10,000. I served at \$10,000 until that was increased, I believe in 1946.

Mr. ALLEN. I think that is right. 1947.

Mr. SPARKMAN. It was effective in 1947. The law was passed in 1946, as I recall.

By the way, prior to that time, we had no retirement, either. The congressional retirement was set up in the act of 1946. I think that was a great help to all of us. Of course, we pay for that.

As I understand the law, 80 percent is the highest that a Senator or a Representative can receive on retirement. That represents 32 years of service. I have 39 years of service. They just are taking any pension deduction from my salary. So these increases have not always worked to the extent that they would take care of other things that were added.

As a matter of fact, I still am a little surprised each month when the statement comes from my bank or from the disbursing office here, showing me what

my gross pay is for that month and showing all the deductions, so that it does not leave a very big pay.

They still take out my retirement deduction, even though I am at the point where 80 percent is available. I say, in all fairness, that it is applied, as I understand, to pay up for the 10 years that I served before the 1946 Act went into effect. But those deductions are pretty serious.

Mr. ALLEN. I know that.

Mr. SPARKMAN. The Senator knows that, because he receives the same kind of slip I do.

I repeat: I am not for raising my salary, but it does seem to me that if the employees in our offices are going to get that, and if it pushes up their salaries—

Mr. ALLEN. The Senator mentioned a moment ago—I believe it was the Senator from Hawaii—that is used to be a \$36,000 limit and then it rose to \$38,000. By having a limit on what they can go to, it keeps them from going over what a Member of Congress receives.

Mr. SPARKMAN. I believe the \$38,000 limit was set just in the last Legislative Reorganization Act.

Mr. ALLEN. That will keep it from going over the senatorial salary.

Mr. SPARKMAN. The ceiling was set at \$38,000. The Senator says that the cost of living is not added to that. If that is an absolute limit, I suppose the cost of living is not added. But I think we should give very careful consideration to the cost of living amount that is given generally to employees of all the departments and agencies of Government.

Mr. ALLEN. The junior Senator from Alabama pointed out that when we have to face this issue of whether a 10-percent raise will go into effect, or a lesser figure possibly set by the President or, say, 5 percent, and then Congress is called upon to pass on that, will they not have a special conflicting interest in the action they take with respect to that raise?

Mr. SPARKMAN. I agree that that is a serious question. So far as I am concerned, I would be perfectly willing for the President or the Commission to handle it—I believe that under the setup now, the Commission is supposed to make the recommendation—without our having to do anything about it. But that is just not the way it is at the present time.

Mr. ALLEN. I thank the Senator.

Mr. SPARKMAN. I do not see how we are going to take any action at any time and avoid what might be considered a conflict of interest.

Mr. FANNIN. Mr. President, I am pleased to support the amendment introduced by the distinguished Senator from Alabama (Mr. ALLEN) to exclude Members of Congress and officials of the legislative branch from the automatic pay increases provided in H.R. 1559.

Mr. President, I am certainly in agreement with the Comptroller General when he states that there is a critical need for a better system for adjusting top executive, legislative, and judicial salaries. There is no doubt in my mind that failure to adjust top officials' salaries has created inequities and is having serious

adverse effects on recruitment and incentives for advancement through the Federal service. In addition, the compression problems in other pay systems is becoming more severe. For many qualified top Federal employees, retirement is now more financially attractive than continuing to work. We need to provide increases for these people if we are to retain their services and provide good government. Such arguments are good reasons for providing comparability formula increases for employees in the executive and judicial branches of Government. But, in my opinion, there is no justification for including Members of Congress within these salary adjustment provisions.

This is both the wrong time and the wrong approach to increasing pay for Members of Congress. This would be an extremely poor example for the Congress to set at a time when we are asking the American people to make sacrifices and show restraint so that we can fight inflation, overcome recession, and deal with the energy crisis.

Once we have balanced the Federal budget, returned full employment to our economy, and formed a comprehensive and sound energy policy, then Congress can in good conscience consider increasing its own pay.

Congress already has a negative image with more than 80 percent of the American people. My mail indicates that Arizonans are incensed by the increases in Senate staffing and by the increasing expense allowances in the House of Representatives.

Now we have before us a proposal to increase our own salaries, and the vote comes on the eve of a month-long congressional vacation.

Congress is supposed to help provide leadership for our country. This pay increase, hidden as it is in a postal safety bill, will only serve to further undermine public confidence. It will damage our credibility and thus diminish the possibility that Congress can recover and join the administration in leading our country back to a solid economic footing.

Let me make it clear that I do not oppose salary increases for all Federal employees. I recognize that there are many talented and dedicated officials who have had their pay frozen for the past 6 years. We must provide increases for such persons if we are to retain their services and provide good government. But Congress should not be included in the plan proposed in H.R. 2559.

For these reasons I urge my colleagues to join me in supporting the Allen amendment to delete section 204 of the bill and to vote against automatic pay increases for the Members of Congress.

Mr. THURMOND. Mr. President, I rise in support of the amendment of the distinguished Senator from Alabama (Mr. ALLEN), which deletes from the bill provisions for salary adjustments for Members of Congress and high level Federal officials. I feel that it would be an injustice to the American people for us to vote ourselves and other Federal officials a pay raise during these times of economic uncertainty. It is time we in Congress started showing some fiscal re-

place to start than with our own salaries.

Mr. President, it is ridiculous for Congress to even contemplate giving itself a pay raise. We have a high rate of unemployment in America, and many of our fellow citizens are having to make sacrifices every day. The Senate should show its concern for the citizens of our country by passing this amendment and refusing to hike high-level Federal salaries.

During my tenure in public office, I have never voted to increase my own salary, and I do not intend to change that policy now.

Mr. ALLEN. Mr. President, the distinguished Senator from Hawaii made a very valid point a moment ago when he said that if we are adding the Cabinet, the sub-Cabinet, and all the judiciary, it would not be right to exclude Congress from this legislation. While I do not agree entirely with him, in following that suggestion, I have two amendments at the desk. The first one I filed did exclude Members of Congress from this guaranteed annual salary raise.

The second amendment strikes all the bill after title I—in other words, what was added, the nongermane portion. So that would not be acting with bias against the Members of Congress. It was just not to make this available to anybody. In other words, it would leave a bill that has not had a nongermane amendment added to it. So I am going to withdraw my first amendment and offer my second amendment.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. McGEE. The distinguished Senator from Tennessee wishes to make a statement in his own right, for 3 or 4 minutes.

Mr. ALLEN. I will yield the floor as soon as the amendment is stated.

Mr. McGEE. I wanted to make a couple of points with the distinguished Senator from Alabama, and I did not want to delay the Senator from Tennessee any longer, if that is agreeable.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. McGEE. Will the Senator from Alabama yield, without yielding the floor, so that I might extend the colloquy with him?

Mr. ALLEN. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes an amendment:

On page 2, beginning on line 17, strike all after title I down through line 2 on page 13.

Mr. ALLEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BROCK. Mr. President, I do not think any of us here do not view this matter with a great deal of mixed emotions.

I am sympathetic to what the Senator from Alabama seeks to do. I am sympathetic to the statement of the Senator

to the need for continued inflation consciousness, if we can put it that way, on the part of the Senate. Yet, I know the problem of the executive branch in its inability to retain or attract competent people.

I am not so sure that I do not think perhaps the Senator from Ohio has the best approach by placing Congress in a position in which we would be required to face this matter on its own merit. That, to me, makes a great deal of sense. It is an issue we should face up to, individually and personally, and within our own States.

But I do think something has been missing from the debate here, which I would like to raise for myself, anyway. The problem of compaction is an enormous problem. I think the Senator said that we have three grade levels running into the same ceiling. We will have two or three more before the end of the year. We just cannot allow that to continue. We have to break that logjam. We have to be able to attract a better quality of people in the top levels of Government.

Frankly, so far as I am concerned, a well-paid executive who earns his pay is worth 20 or 30 times what he is paid. One man at \$45,000 or \$50,000 a year, making that pay, is worth 100 people at \$10,000. He is a good buy; he is a good investment.

The frustration with this particular piece of legislation is that it does deal with the compaction problem. It does not deal with the pressure point—the surge from underneath, the grades 6 or 8 through 13.

If we look at the pay tables and compare mobility scales among local and State governments, the private sector and the Federal Government, we will find that in the last decade or so, governmental salaries, in toto, are going up at a far higher rate than private. We have taken care of our own. Even State payrolls are up 100 or 90 percent more than the comparable wages in private enterprise. If we do not deal with that problem pretty quickly, in some States, like my own, it is getting almost impossible for private enterprise to compete with its own Government that it is financing with its own tax dollar. Doggone it, that is wrong.

I would be delighted to support this bill that is now before us, because I do agree with the merits of paying people what they are worth and getting the right kind of management in the Government. It is desperately needed; nobody can argue that. But I do not see how I can argue that point when we are talking about \$50 million being a worthy expenditure and we are not dealing with \$5 billion underneath the pressure cooker.

Mr. FONG. Will the Senator yield?

Mr. BROCK (continuing). That is in excess of what we ought to be doing.

I am delighted to yield to the Senator.

Mr. FONG. In 1974, the President, on the recommendation of the Quadrennial Commission, recommended a pay raise which, if we had enacted it, would have eliminated the compression. I am quite sure that the Senator voted against that bill.

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Mr. BROCK. Yes, I did. I sure did.

Mr. FONG. That was the bill that would have done the job.

Mr. BROCK. I understand that, I say to the Senator, I felt at that time, and I feel today, that I had an obligation to accept some of the penalty that was being imposed on the American people generally for the excesses of this Government. We create inflation and if we are insulated from it, as the Senator from Virginia said, individually, maybe we do not pay as much attention to the effect of our own actions as we should.

The Senator, and I agree with him 95 percent of the time, is not a part of the problem. He knows that I have that respect for him. I do not criticize the Senator. I am just saying for myself that at that time, I could not vote for it because I felt we had an obligation to say that we are going to carry our share of the load as we are asking the American people to. Maybe I was right, maybe I was wrong. I do not know.

What I am trying to address today is not the problem of compression of pay or compaction. I am willing to accept the premise that the Senator wants to establish, taking this lid off and attracting the kind of people we have to have to do a decent job for the American people and their government. I accept the Senator's principle and I should like to support it. What I am trying to say is that it is very hard for me to vote for this bill, that deals only with the tip of the iceberg, when I do not see anything to do with the base problem, which is this massive base of the pyramid, forcing the cost of government—and that means taxpayers' dollars—right up through the ceiling. That is where I am concerned.

Mr. McGEE. Will the Senator yield for a comment on that point?

Mr. BROCK. I am delighted to yield.

Mr. McGEE. The committee prepared an assault on the whole compression question this spring. We worked very hard on it. We had our negotiations with the Office of Management and Budget and with the President. The decision was finally made—and this was the compromise that was worked out—and it is fair to report it; it is no guarded secret at all—that now, this year, because of the climate and all that goes with it, the President felt very strongly about moving in the direction of changing the cost of living formula so that it would include these groups as a sheer matter of constructive equity. It had nothing to do with salary restructuring.

Then he committed himself to having the Presidential commission—a quadrennial commission, which means next year, in January—address itself to the overall problem and make recommendations to the President that he would submit to Congress. That is the way that, finally, the whole larger question that the Senator so rightly puts his finger on was resolved for this moment. It was the President's decision that this was the better way to go at it now. He felt that the time was not ready for the other step and he commits himself to the committee, and to Congress in doing so, to make that study and that report to Congress. That will be the

result of the Presidential commission study that begins next January.

Mr. BROCK. That I really do appreciate. That is an assurance I value and I am grateful for it.

The Senator understands, I think, my concern. I grant that I am slow to rise to the changing events of today's world. We are moving awfully fast. But it is terribly hard for me to justify telling the people of Tennessee that they are going to have to pay taxes to pay a GS-13 \$38,000 a year. There is just nobody down home who makes that kind of money. They do not mind paying somebody—I think my State would pay anybody \$100,000 a year if he would cut out some of the things that are going on up here—if he were a good manager and were able to reduce some of the waste. That is why I am sympathetic to what the Senator is trying to do. My frustration is with the \$49 billion we are talking about, not the \$50 million that the question is raised about.

Mr. FONG. Will the Senator yield?

Mr. BROCK. Yes.

Mr. FONG. The distinguished chairman and I would have gone for the whole loaf if we could have gotten it. But we could not get the whole loaf because we had obstacles. So we are trying for a few slices of bread. If one cannot get the whole loaf, he goes for a few slices.

I have some trouble with the Senator saying that it is difficult for his people in Tennessee to see a man paid \$38,000. If this man, who is a GS-18 in the Government, were to go out—

Mr. BROCK. No; let us talk about a 15, a 14, and a 13 getting that, where we will be in about a year and a half.

Mr. FONG. If this man, who is a GS-16, let us say, went out into private industry, instead of getting \$36,000, he would be paid, as of a year ago, \$45,146. A GS-17, if he were to go out, would have been paid, a year ago, \$56,011 in private industry. A GS-18 would have gotten \$71,073 in private industry. That was last year. But this year, he would get 8 to 10 percent more.

Mr. BROCK. How many people are we talking about in this bill that are grades 15, 16, and 17?

Mr. FONG. 17,000 people.

Mr. BROCK. 17,000 people who now are butted up at \$37,000.

Mr. FONG. \$36,000.

Mr. BROCK. All right, \$36,000. Seventeen thousand people.

Mr. FONG. The GS-14 now is pushing the GS-18, -17, -16, and -15.

Mr. BROCK. How many more at GS-14?

Mr. FONG. I do not know.

Mr. BROCK. How many more at GS-17?

Mr. FONG. I do not know.

Mr. BROCK. How many more at GS-16?

Mr. FONG. I do not know, but I do not do something, they are soon going to come in and impact on those people at \$36,000. Pretty soon, we shall have boss No. 1, boss No. 2, No. 3, No. 4, No. 5, and No. 6, all getting \$36,000. This is bad, bad business.

Mr. BROCK. Maybe we ought to look at all these people we have making \$36,000 and do without some of these

because the people of this country are bone weary of paying their money to IRS and to inflation. Somehow we have to respond to the needs of people working for a living, I say to the Senator.

Mr. FONG. We have cut the payroll pretty drastically. Take the military bill. We have cut the military payroll by 13,000 people, I understand. The civilian payroll has been cut. If we can get along without some of these people, let us get along without them, but these are the people who really run our Government.

Mr. BROCK. \$49 billion a year in Federal payroll. Is that the right figure?

Mr. FONG. \$50 billion.

Mr. BROCK. There are 50 million families in this country. That means that we are spending \$1,000 a family in the United States just to pay the payroll cost of Government.

Mr. FONG. That is true. That is how big our Government is, 20 million people.

Mr. BROCK. 220 million people are pretty bone tired—

Mr. FONG. We have a GNP of a trillion dollars.

Mr. BROCK. The American people are carrying one of the biggest loads. They have 35 to 40 percent of their total income taken to pay the cost of Government. Where do we start? How do we do anything about it?

Mr. STEVENS. May I get into this?

I ask the Senator from Tennessee, do we correct the situation by taking those people who are just reaching middle management—who have 15 or more years' experience, those who are moving into the area where their experience, their knowhow, the work that they have done over the years, is just at the point of having great value to the people of the country—and say to them, "You cannot look forward to any more increase in pay" In the 15 years of your service, you have reached the point of impaction. Therefore, there is no more financial incentive to your employment? Do you tell that to those people? I have some statistics here, if the Senator would like to have them, on the people who have left since November of 1973: Eight Federal judges; the Department of Commerce associate general counsel went out to make \$50,000. A library of Congress GS-17, a specialist on taxation and fiscal policy, one of the best men in the Government in that area, left.

Mr. BROCK. The Senator does not have to convince me. I have read the figures. I know who is left.

Mr. STEVENS. What do you do? The Senator says he is going to vote against this because somehow or other it is overtaxing the American public.

Mr. BROCK. No.

Mr. STEVENS. The American public is paying more in terms of turnover in this Government than it will possibly pay in terms of this pay increase.

Mr. BROCK. Let me give the Senator my own reasons. I said I was opposed to this bill because I do not think it comes in properly with the excess cost of Government in total. I do not think there is anyone in my State who would object to paying a good salary for an adequate manager, \$40,000, \$50,000, \$60,000, \$70,000, if they were getting value re-

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ceived. That is great. But how can the Senator tell me they are getting value received when we are spending in their name, taking from them, \$49 billion a year to pay the total payroll. You only have got in this bill GS-15, -16, -17, and -18, 17,000 people that you want to take the lid off. All right. I accept the principle. Pay them what they are worth so they can get good people. There is nothing wrong with that.

But where is there any effort to deal with \$49 billion worth of one heck of a headache for the average guy who works for a living?

Mr. STEVENS. We marked up the HEW bill today, and it is my memory that it is \$7 billion less than last year spent in that area. We cut \$5 billion off of defense. We have a Budget Committee that is trying to get control over expenditures, and most of us are working with the Budget Committee in that area.

But this is not a salary increase. This is a cost-of-living adjustment.

Mr. BROCK. I understand.

Mr. STEVENS. If we were working on my Alaska railroad this would be automatic. Cost-of-living adjustments should happen automatically.

Mr. BROCK. I will tell the Senator what I will do.

Mr. STEVENS. Bureau of Labor Statistics adjustments are made. I think the Senator is missing my point. I know some of these people, I worked with some of them downtown when I was in Government.

Mr. BROCK. So do I.

Mr. STEVENS. There are people who have spent their careers down there and they are now saying, "I have no opportunity to get any greater income."

They get offers from companies, "Work for us. With all that experience we will pay you \$50,000, \$60,000, \$75,000."

I know one of my friends who went out and got \$80,000 and left a position paying \$36,000. He told me he would rather stay in Government because that is where his career was, that is where his life was, and yet we arbitrarily tell him, "You have no chance of any additional income."

Unless we do this and adopt a concept of a cost-of-living adjustment based upon inflation we will lose more good people. We are trying to get inflation under control. It is not their fault that we have not got it under control, and I agree with the Senator about the massive costs of expenditures of Government. But we are getting those under control.

Mr. BROCK. Good Lord, since when?

Mr. STEVENS. I think this Congress has done more than I have seen so far in terms of getting expenditures under control.

Mr. BROCK. Your deficit is going to be not more than \$70 billion, \$80 billion, \$90 billion.

Mr. STEVENS. That has to do more with expenditures this year—

Mr. BROCK. The expenditures are up \$60 billion, \$70 billion. It is more than an inflation factor.

If you look at the comparability scales, the governmental employees of this Nation have had a 40 percent higher rate of increase of pay than the average American working man has.

Now, you know, what is the logic? Is it right, is it comparable? Do not tell me it is comparable when you can get 60 percent more salary as a Government secretary than you can as a private secretary in some of the States of this Union.

Mr. STEVENS. You cannot in my State.

Mr. BROCK. Well, Alaska is a high-paying, high-cost State. But we do not think in those terms. We pay it on a national basis regardless, across the board. You are competing directly with private enterprise, with the small businessman, the housewife who has got to pay the tax, to have this kind of competition, and they have pretty much had it with taxes, and you are spending \$1,000 a family in this country to pay the payroll costs for services that a whole bunch of folks do not want or need.

Mr. TAFT. Mr. President, will the Senator yield for a moment?

Mr. BROCK. I yield.

Mr. TAFT. I think people are sick and tired of paying the high cost of Government. There are two problems here involved. The Senator is pointing out one of them very vividly, indeed, and there has been a tremendous increase of pay of employees generally. That does not deal with the compaction problem. It is there.

Mr. BROCK. That is right.

Mr. TAFT. What I want to suggest at this point, in support of the amendment of the Senator from Alabama—and I am sorry he withdrew the first one because it was pretty good—and I am not sure of this one because I do not think it does anything about compaction at all—and I am going to attempt to get at that later—but the problem here is that the system we set up in 1969 and 1970 is responsible for what has happened on both of these problems.

Mr. BROCK. That is right.

Mr. TAFT. What have we done? We have gone right on with the system and compounded it, if anything, not taking care of the problems that have arisen under it. The problems are built-in problems. The Senator from Alabama has already indicated that. They are built in in a conflict of interest that the Senators and Congressmen have in voting for a cost of living, and going along with cost-of-living increases.

Somebody said they wished they could turn it all over—the distinguished Senator from Alabama, the senior Senator from Alabama, said he wished we could turn it all over—to the Executive and to the Commission. I do not wish that at all. I think it is our responsibility to set the salaries.

Now, even if we adopt the amendment presently before us, as I understand it, we could next week, if we wanted to, and if we are here next week—which we will not be—but as soon as we get back into session we can enact a bill which would take the Senators and Congressmen out of this process, break the logjam, pass another bill ourselves repealing the present legislation, pass a cost-of-living increase for the employees at levels that we think they ought to be at at the various levels, and do away with the problem of compaction.

We are all in this jam. We have gotten into this jam because we are all, from the very beginning, hiding behind the fact that Senators and Congressmen were not willing to get out on the floor and vote up or down on pay increases for themselves. They try to hide behind a commission setup and not face the music they are responsible for, that they are elected to take the ball and run with, and they are just trying to hide behind it. They are refusing to face up to this entire problem.

Mr. BROCK. The Senator and I, I think, were in the House when this first commission setup occurred, and I think what we said then has been proven true. That is exactly the Senator's point, and I agree with him, and I appreciate it very much.

Mr. McGEE and Mr. TAFT addressed the Chair.

Mr. McGEE. Excuse me.

Mr. TAFT. I would just like to ask the Senator from Alabama, before we get a vote on his amendment, am I correct in understanding that the amendment the Senator presently has before the Senate would totally do away with the cost-of-living legislation at the present time?

Mr. ALLEN. The amendment strikes out everything after title I. In other words, it strikes out any reference at all to the salary increases or any putting of the executive, legislative or judiciary under this cost-of-living increase.

Mr. TAFT. The Senator from Alabama would agree with the statement I just made along the lines that if we passed this legislation we could come back along, if we wanted to, in this session and pass other legislation that would provide for a cost-of-living increase for those employees we wished to, not tied to a congressional cost-of-living increase?

Mr. ALLEN. Yes. Obviously, they can do that if they wanted to. But that is the point the Senator from Alabama has been making all along. This effort, as a trend in recent years, has been to accomplish this without a direct confrontation with the issue.

Mr. TAFT. Then if the Senator would also agree, I presume that statements have been made, and the implication has been made, if we do not take this bill there cannot be any other cost-of-living increase or any other salary increase until next year anyway as to the quadrennial increase, 1977?

Mr. ALLEN. No, that is not correct. If they stayed with the commission approach there would be nothing to prevent Congress, if it saw fit, to give a one-time raise, but not a guaranteed annual raise; set any figure it saw fit. They would not have to depend on the salary commission setup, because this is changing the salary commission setup so that Congress, in its wisdom, could choose any other method of changing that setup, and if they have got the leadership behind it, it has been the observation of the Senator from Alabama that helps a bill get through. So if the leadership would support any such effort I would say if Congress wanted to face up to that question it could do so. But I do not feel that this method is facing up to the

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issue. It builds into a minimum the annual salary increase, with no ceiling whatsoever, and I think that is ill-advised legislation.

Mr. TAFT. Well, it has got us in the jam we are in now. I think we better get rid of it as quickly as we can.

Mr. ALLEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. McGEE. Mr. President, I think that we are ready to vote on this measure. I just want to spread on the record only one thing. The Senator from Alabama and I have talked together, we discussed it at length last night on the floor, and that is, we have attempted no back door.

We went through the front door of the White House on this, we went through the front desk of the majority leader and the minority leader.

We were prepared to offer a broadside assault on this whole question, but after consultation through the front door with the President, through the front door of the Supreme Court Chamber of the United States with the Chief Justice of the Supreme Court, through the front door of the Bureau of Budget with Jim Lynn, and through the front Chamber door of the House of Representatives, what was agreed upon was this approach as the only approach in which we could get all of the elements of Government involved and merging in the same direction so that it does not languish between the differences that do often arise between various branches of Government.

Believe me, it has not been easy. We have laid it out in front, face up and on the table. We are asking the Senate to make its judgment on this. We are not sneaking past anybody, nor intending to.

For that reason, I would hope that, whatever else, the members of the committee are not held suspect for trying some end run in order to try to lay this thing directly before our colleagues in this body.

We believe it ought to be faced up to directly. We think this is as close as we can come to being direct, given the total negotiations we have had to undertake these last four months in order to arrive at this point.

Mr. ALLEN. I thank the distinguished Senator.

The Senator from Alabama was not implying that the distinguished manager of the bill had acted improperly. Certainly, the contrary is true because the Senator from Wyoming notified the Senator from Alabama when this matter was going to come up. He knew in the past he had been opposed to legislation of this sort.

The front door approach that the Senator from Alabama would feel would be the front door approach, would be to have legislation saying that the salary of certain government officials shall be thus and so that would require congressional action each time a raise was provided. Just as the Senator from Ohio said, that

we would have to face up to that issue every time.

But it would seem that this is not exactly a broadside on this issue when resort is had to taking a House bill as a vehicle which did not have this issue before it at all and waylaying that over in the Senate committee and tacking a non-germane amendment on that, will never come back to the House of Representatives in all likelihood except to vote on a conference report.

So it seems to the Senator from Alabama that the front-door approach has not been followed all the way through, else there would be separate, independent legislation putting this into effect, rather than adding it as a nongermane amendment to an innocuous bill—I assume it is innocuous.

Mr. McGEE. Did the Senator ask for the yeas and nays?

Mr. ALLEN. Yes.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. SPARKMAN. Will the Senator yield?

Mr. ALLEN. I promised to yield to Senator Randolph and then I would be delighted to yield to the Senator.

Mr. SPARKMAN. Very well.

Mr. RANDOLPH. Mr. President, there must be the realization that every Member of the Senate should be accorded the opportunity to participate fully in the decisionmaking process in reference to an important matter such as is now pending before us. I know that the Senators who bring the bill to the floor share this view.

I commend the managers of the bill, the chairman (Mr. McGEE), and the ranking minority member (Mr. FONG). They have had an understandable concern about attempting to fashion a measure that could come from our Committee on Post Office and Civil Service that would cope in part with the very complex problem of salaries and wages for Federal employees, regardless of the levels in which they may serve.

The chairman of the committee knows that there were three members of the committee who voted against the reporting of this measure favorably to the Senate. I was one of those members. I have consistently held to the belief that in reference to the salaries of the Members of the Senate, I want the opportunity—I want the responsibility—of voting to continue my salary at its present level, voting to decrease it if I believe such should be the case, or voting to increase it if I had reason to believe that was in the interest not only of myself but of the operation of this body.

Now, I want to be very certain that what we are doing here today gives me the opportunity of doing exactly what I want to do.

I have been one Member of this body who voted to decrease his salary. I did that in 1933 as a Member of the House of Representatives.

We faced up to a responsibility during the Depression of lowering our salaries. This was done not only because it was a decrease in the operation of the cost of government. We felt also that it was a symbol to the people of the country as

a whole that we were making this type of contribution to the body politic from the standpoint of the thinking of the American people.

I ask the able Senator from Alabama a question. Will the Senator from West Virginia have the opportunity in connection with the pending amendment to keep the principle—the philosophy which he has held through the years—that the responsibility should be his to vote for an increase in salary, vote to keep a present salary, or vote to decrease his salary?

Mr. ALLEN. I am glad the distinguished Senator has asked that question because that is one of the points that the Senator from Alabama has been making all along.

If this legislation is passed, the distinguished Senator from West Virginia (Mr. RANDOLPH) need never be faced with this issue again because he will be guaranteeing an annual salary increase without taking any further vote: one way or the other.

So the Senator need not be disturbed as to his future action because he will not have the problem presented to him again.

Mr. RANDOLPH. Will the Senator yield further?

Mr. ALLEN. Yes.

Mr. RANDOLPH. The Senator from West Virginia wants no recommendation from a commission. He wants no formula set by someone else. He wants no word from the President of the United States as to what his salary should be or should not be. The Senator from West Virginia only wants the opportunity, and he is ready to share the responsibility, of voting. It is known to everyone exactly how he votes on the matter of the salary as it affects him, an individual Senator.

Mr. ALLEN. That question will be decided for the distinguished Senator. The only way he would have a decision in the future would be in the event the President did not recommend the full amount of the cost-of-living increase.

To give an example, if the theoretical or actual increase in the cost of living was 8.6 percent and the President suggested it ought to be just 5 percent, then the distinguished Senator from West Virginia would have to decide whether he is going to take the full increase which he might be entitled under the new law or whether he was going to reduce it. As I stated, that builds in a conflict of interest that the Senator will be faced with.

Mr. RANDOLPH. Will the Senator yield for one further colloquy and perhaps a question?

Mr. ALLEN. Yes.

Mr. RANDOLPH. I do not discuss the others that are affected in the Federal family. Those are matters concerning persons who have not been elected to public office. They involve a wide range or various types of public service. Therefore, we can move in those instances on formulas and commissions and comparability and cost-of-living increases. But when it comes to the Member of the Senate of the United States, and I speak not in the slightest criticism of any other Member who disagrees with me, I want the responsibility to rest with

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with me as to what I do in reference to the salary that I am paid.

Mr. ALLEN. The Senator had better not vote for this bill. He better vote for the amendment.

Mr. RANDOLPH. I intend to do that. Mr. HARRY F. BYRD, JR. Will the Senator yield?

Mr. ALLEN. Yes.

Mr. HARRY F. BYRD, JR. Mr. President, I recognize there is merit to the arguments made by the distinguished Senator from Wyoming and the distinguished Senator from Hawaii. It is a very difficult subject, the matter that the Senate is dealing with.

I find it difficult to support the committee's position as to the matter of public policies. If the committee's proposal is adopted, that will mean that every decisionmaker in Government, except the President of the United States, will be insulated from inflation; it will mean that every decisionmaker in Government, except the President of the United States, will be subject to an automatic wage increase every year, depending upon the amount of inflation that the country has.

It will make no difference so far as the individual in Government is concerned how high inflation is because his salary will be adjusted accordingly.

I think that is a bad principle and policy of Government. For that reason I shall support the amendment offered by the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator.

Mr. McGEE. Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Mississippi (Mr. EASTLAND), the Senator from Ohio (Mr. GLENN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from North Carolina (Mr. MORGAN), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maine (Mr. MUSKIE), are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Nebraska (Mr. IRUSKA) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "yea."

The result was announced—yeas 30, nays 57, as follows:

[Rollcall Vote No. 349 Leg.]

YEAS—30

Allen	Burdick	Curtis
Bartlett	Byrd	Ford
Bellmon	Harry F. Jr.	Garn
Bentsen	Byrd, Robert C.	Hansen
Biden	Cannon	Hart, Gary W.
Brock	Chiles	Helms

Jackson	Proxmire	Talmadge
Montoya	Roth	Tunney
Pastore	Stone	
Pell	Taft	

NAYS—57

Abourezk	Haskell	Mondale
Baker	Halfield	Nelson
Bayh	Hathaway	Nunn
Beall	Hollings	Packwood
Brooke	Huddleston	Pearson
Buckley	Humphrey	Percy
Case	Inouye	Ribicoff
Church	Javits	Schweiker
Clark	Johnston	Scott, Hugh
Cranston	Kennedy	Scott
Culver	Laxalt	William L.
Dole	Leahy	Sparkman
Domenici	Long	Stevens
Eagleton	Magnuson	Stevenson
Fannin	Mansfield	Tower
Fong	Mathias	Welcker
Gravel	McClure	Williams
Griffin	McGee	Young
Hart, Philip A.	McIntyre	
Hartke	Metcalf	

NOT VOTING—12

Bumpers	Iruska	Muskie
Eastland	McGovern	Stafford
Glenn	Morgan	Stennis
Goldwater	Moss	Symington

So Mr. ALLEN's amendment was rejected.

Mr. MCGEE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCGEE. I yield to the Senator from Ohio.

Mr. MANSFIELD. Mr. President, will the Senator yield to me, please?

Mr. TAFT. Mr. President, first I call up an amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio (Mr. TAFT) proposes an amendment.

Mr. TAFT's amendment is as follows:

On page 6, beginning with line 17, strike out all through line 18, and insert in lieu thereof the following: "shall be adjusted under paragraph (2) of this subsection."

On page 6, line 24, immediately after the comma insert "during calendar year 1975."

On page 12, beginning with line 8, strike out all through line 18, and insert in lieu thereof the following:

SEC. 206. (a) Section 225(f) (A) of the Federal Salary Act of 1967 (2 U.S.C. 356(A)), is amended to read as follows:

"(A) the Vice President of the United States;"

On page 12, line 20, strike out "offices" and insert in lieu thereof "office".

On page 12, line 23, strike out "rates" and insert in lieu thereof "rate".

On page 12, line 24, strike out "rates" and insert in lieu thereof "rate".

On page 13, line 1, strike out "sections 203 and 204" and insert in lieu thereof "section 203".

Mr. TAFT. Mr. President, I am glad to yield to the majority leader.

OFFICIAL PICTURE OF THE SENATE

Mr. MANSFIELD. Mr. President, since we have such a good attendance this evening, I would like to remind the Senate that tomorrow at 12:15 p.m. the official picture by the National Geographic Society will be taken.

I suggest that those Senators, whose

wives might be interested—because the end—might like to have them in the gallery on that occasion.

Mr. TAFT. Mr. President, this amendment, of which there is an explanation on the desk of each Senator, would eliminate Members of Congress from any cost-of-living or pay raise of any kind after December 31, 1975, as a result of this legislation. This means they would be eligible for one cost-of-living raise as provided by this bill. It would not be covered by the salary recommendations of the Quadrennial Wage Commission that makes its next report in 1977, nor would they be included in the cost-of-living increase next year.

This bill would also include in its provision, or this amendment would include in its provision the compensation of the Speaker of the House of Representatives, the President pro tempore and the leaders of Congress, as to eliminating from the Commission method of setting cost-of-living increases or salaries in the future.

Congress, therefore, would have about 1½ years before the next report, the quadrennial commission, to quantify the pay raise it may wish to set for the 95th Congress from the date of its inception.

In fact, actually, I believe Congress could set next month when we come back into session in September, just a month hence, could set its own salaries any way it wanted to set them. It could set cost-of-living increases any way it wanted to set them merely by action of law.

Mr. President, the Federal Salary Act of 1962 and the Salary Act of 1967 provide that compensation of Government employees be administered on two different bases:

First, career employees in the Federal service, paid under the General Schedule, generally receive salary adjustments each year. These increases are directly related to private enterprise salary rates for the same level of work on the "comparability principle."

Second, the compensation of top officials in the executive, legislative, and judicial branches of Government is subject to adjustment in March of every fourth year with budget submitted by the President to Congress. These salaries are on the executive schedule.

The Salary Act of 1967 created the Commission on Executive, Legislative, and Judicial Salaries, composed of nine members, to submit recommendations to the President on salary rates for top officials in the three branches of the Government. Among the officials included are the Members of Congress. The President then must examine the Commission's recommendations and submit his own recommendations on that Commission recommendation to the Congress. Either House, as we know, must disapprove the recommendations within 30 days, or they go into effect immediately.

This requirement for negative action was apparently designed to make it easier for the Members of Congress to raise their own salaries by taking no action at all. Similarly, the Congress could disapprove the Presidential recommendation for a pay raise for executive

schedule positions, thus avoiding a direct position on raises for the next year. However, in taking this action, the Congress also disapproves raises for over 2,200 other executive schedule employees.

If the congressional salaries were not included in the Wage Commission's jurisdiction, the problem would be eliminated and that is what we are trying to do.

My amendment changes the Federal Salary Act of 1967 to remove the Commission's authority over congressional salaries, which would then be subject to change only by passage of a statute by the House of Representatives and the Senate, submitted to the President.

It has become apparent that the relationship between congressional salaries and those of the top pay grade civil servants jeopardizes the recommendations for all executive schedule positions. This is most unfortunate.

I have long felt that congressional salaries should be debated separately from other salary legislation. If the Members feel they need or deserve a raise, it should be presented openly as any other legislation, not in a closed committee room, followed by a failure of Congress to act negatively.

Therefore, on March 7, 1974, I called up my amendment on the Senate floor as an amendment to the minimum wage bill.

We had acted unfavorably, as the Members will recall, on the Commission's legislation that was before us just a very short time before that time.

I withdrew the amendment on the minimum wage bill at that time, after having assurances from the distinguished chairman of the subcommittee and the ranking member of the subcommittee that hearings would be held on this matter. No hearings, as far as I know, have been set on my bill which is identical to that amendment, to date. I may go into this in a little more detail on that in a few minutes.

While I understand that this matter may have been postponed because of the 1974 election, I felt it was too important for the Senate to delay its action until a more expedient time.

Affirmative, open action would, I believe, have been far more acceptable to the public, and I think we, and the argument that if we did not, and if we do not support this approach, we can expect no increase before 1980 is obviously, I think, specious. We can pass this amendment, deleting us, and setting our own salaries at any time.

The Nation I believe is looking at Congress with a critical eye on our integrity, fairness, and principles.

To wait until the risk election time has passed to enact this legislation indicates that we are afraid to give ourselves a raise during a time of inflation because of the public reaction.

While it may be important that the members and other Government employees be given a living increase to keep some pace with inflation, I do not feel that Congress should be setting its own cost-of-living raises and those of others in the same legislation. It is to me

a patent conflict of interest. Nor should congressional salaries be recommended by the quadrennial commission. Moreover, the executive and judicial scheduled employees should not be penalized because their pay scales are tied to us.

Congressional salaries and cost-of-living raises have been hidden too long in their legislation. The back door approach we have used in dealing with them is at best unwise when public confidence in Government is at an alltime low.

The Federal Government has a very difficult time, admittedly, attracting, retaining, and motivating top officials in the executive, legislative, and judicial branches, as well as career employees.

The report of the Commission on Executive, Legislative, and Judicial Salaries of June 1973 states that—

Should the President or the Congress decide to modify or reject the salary rate recommended for Members of Congress we earnestly urge that our recommendations for the salaries of Federal Judges (and of officials of the executive branch as well) be approved.

There seems to me to be a clear conflict of interest here, which we should correct ourselves.

I have from the beginning felt that the wage commission is an inappropriate mechanism for determining pay raises for Members of Congress. That is one reason why I have voted consistently—I voted against that legislation when it came up in the Chamber of the House, and as the Senator from Tennessee (Mr. Brock) mentioned earlier, he did, also—I have voted against all commission recommendations of increases since, even though I thought some of them might well have been justified under the circumstances.

Indeed, I think that the cost-of-living increases that are recommended here are justified to the point of the amount of money involved.

I would like to see Congress examine very carefully, in the immediate future whenever we are back in session, the whole question of their basic salary as well, not waiting for the quadrennial commission recommendation. I do not think that makes any sense at all.

My amendment would preclude the possibility of quiet backdoor raises for Congress in the future.

I do think that those employees who are on the Federal payroll should be paid adequately and we should have the courage to say so. A pay or cost of living raise for other Federal employees is fair and necessary to keep first-class people in Government service.

Passage of my amendment would clear the way for Congress to act on salary raises without having a guilty conscience, and would be the beginning of some above-board discussions of our own salary needs.

The argument that Congress will not act is not persuasive to me, and this was the argument that was given to us when this legislation was first put into effect and got us into all the trouble that we are in. The present system has been just as subject to these pressures as proved by the fact that it simply has not worked. We have not increased our salary at all since 1959. In fact, the increases given

others by this approach might help Congress be more willing to face up to the situation, and it would act not for this but for the next Congress, if it desired to do so.

Mr. President, going back historically, I refer to the record of March 7, 1974, and will just read some of the language with regard to it when I brought up this measure before, the equivalent of this measure, and the distinguished chairman of the subcommittee at that time started out and said:

Mr. President, I shall be delighted to respond to my colleague from Ohio, and in this way: First of all the legislation that is now on the books, the Federal Salary Act of 1967, was not designed to sneak by or exclude Congress, but to leave a congressional option specifically in the law, and,

Then it goes on and says:

The point is, as a result of yesterday's vote, the Senator was here, I think, when I made the commitment to this body, as chairman of the committee, and seconded by the ranking minority member of the committee. The Senator from Hawaii (Mr. FONG), that as a result of this action, we would lay this matter out in detail before committee hearings, including hearings on the bill that the Senator from Ohio has introduced, as one of those being considered by the committee.

Continuing further:

My guess is that it would be no later than the middle of April, perhaps by the end of March, if we can get all relevant people to address themselves to the problem.

Later, my comment in regard to that was:

Mr. President, I thank the distinguished chairman for his comments. I find myself somewhat reassured by the time frame the chairman is discussing. When I first heard it discussed, I thought it was in the time frame of 1 year, but now he is talking about a few months or—

Mr. MCGEE. A few weeks.

Mr. TAFT. Or a few weeks.

This is the history of the legislation.

Mr. President, the story goes on from there. On July 10, 1974, I wrote to the distinguished chairman and pointed out to him that no action had been taken. I pointed out, in part:

Therefore, on March 7 I called my bill up on the Senate floor as an amendment to the minimum wage bill. I withdrew the amendment, after having assurances from you that hearings would be held on this matter within a few weeks from that date.

Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 10, 1974.

HON. GALE W. MCGEE,
Chairman, Senate Post Office and Civil Service Committee, Washington, D.C.

DEAR MR. CHAIRMAN: On February 28, I introduced S. 3080, a bill to amend the Federal Salary Act of 1967. The Federal Salary Act, as you know, provides that a Wage Commission have jurisdiction over all Federal salaries, including those of Members of Congress. My bill amends the Act to remove the Commission's authority over Congressional salaries.

When the President's recommendation for a pay raise for Federal employees in top pay grades was considered in the Senate, it became apparent that the relationship between Congressional salaries and those of career

civil servants jeopardized the recommendation for all super-grade. Approved For Release 2005/04/13 : CIA-RDP77M00144R001100200001-0
long felt that Congressional salaries should be debated separately from other such legislation. If the Members feel they need or deserve a raise, it should be debated openly, as any other legislation, not in a closed Committee room.

Therefore, on March 7 I called my bill up on the Senate floor as an amendment to the Minimum Wage bill. I withdrew the amendment, after having assurances from you that hearings would be held on this matter within a few weeks from that date.

It is my understanding that the Comptroller General has written to you his report on this legislation. The report suggests that the matter might be explored further. I am aware that hearings have been held recently on several bills which affect rates of pay in the legislative and judicial branches, namely S. 3049, S. 3550, and S. 3551. In addition, I believe extensive hearings were held on similar matters earlier in this Congress. While I know that the requested reports from the Civil Service Commission and OMB have not become available on S. 3080, I do feel now is the time for hearings on my bill, while discussions on related proposals are taking place.

Enclosed is a copy of the Comptroller General's letter on S. 3080, for your easy reference.

I would appreciate your consideration in holding early hearings on this legislation.

Sincerely,

ROBERT TAFT, Jr.

Mr. TAFT. Mr. President, the distinguished chairman of the subcommittee replied to me on July 22 as follows:

Hon. ROBERT TAFT, Jr.,
U.S. Senate, Washington, D.C.

DEAR SENATOR: Thank you for your recent letter regarding S. 3080, the bill you had introduced to amend the Federal Salary Act of 1967.

The Committee has held two days of hearings on pay legislation and plans additional hearings later in the session. My feeling is that the Committee should compile a record of fact which will diminish disputes, and which can serve as background material for our future action.

When I introduced S. 3049, I stated that I was not wedded to it, that I would welcome suggestions for change, but that I believed we needed a vehicle to get us on the way toward the alterations which need to be made in the current pay structure.

We will include S. 3080 in further hearings, and will advise you of the date.

Kindest personal regards.

Sincerely,

GALE MCGEE,
Chairman.

No further hearings were held on that bill during that session of Congress. In the next session of Congress, I again introduced identical legislation, introduced on my behalf by the Senator from Alaska (Mr. STEVENS), which was referred to the Committee on Post Office and Civil Service. I have never received any indication that a hearing had been set on that bill, and I think these are matters that should come before Congress.

I bring this up not in any sense of criticism of the chairman. We all know that these matters can drag on and that we cannot always make good—legislatively, practically and politically—on the commitments that we make and the expectations that we set.

I bring it up because I feel now again—and I want to assure the distinguished chairman of the committee and other

Members of the Senate that I feel now involved in the legislation we have on that kind.

us out from under the commission, both for the cost-of-living increases and for the quadrennial increases in our basic salary, should be faced up to by the committee. We should have public hearings, with independent witnesses from the outside, to discuss this matter and to consider it very thoroughly. I hope this can be done in the future. I hope we will get some further assurance. Obviously, we are not going to adopt my amendment tonight, but I see no reason why it cannot be done.

I say, further—not by way of any threat—that we have quite a few months left in this session, and many bills are going to come along to which this amendment will be germane, or other bills on which germaneness will not be a requirement. It is my position that if hearings are not held, I intend to continue to pursue the line I have taken and to see that this legislation comes before the Senate for full hearings and full consideration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a 10-minute limitation on any rollcall votes during the remainder of the evening.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MCGEE. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. MCGEE. The Senator and I have discussed this at some length. I assure him that our first item of business in the committee is our renewed—from a year ago—examination of the whole structure, meaning the basic salary structure, with all the criteria that he described—outside witnesses, the various vehicles that need to be examined and assessed. We can guarantee him—in collaboration or parallel to the in-depth study that I am sure the President's Commission will be taking, anyway—that this will be undertaken seriously in the forthcoming months after we get back from the August departure.

Mr. TAFT. I appreciate the assurances of the distinguished chairman.

In that connection, with regard to the Commission, to me the issue is so simple that I think we do not need a commission to make a decision of this kind.

Insofar as this basic decision is concerned, I agree with the chairman and with other Senators here today who said that we do need to take a very hard look at the whole salary structure in the entire executive branch of Government. But this is a different issue. That is not the issue I am talking about tonight.

The issue I am talking about is whether or not we are going to try to continue to hide our own responsibility behind some kind of commission determination or recommendation as to our own salaries and cost-of-living, if they come along. I am not willing to see that done. I do not think it takes a commission. It takes public hearings in committee, in which we can have expert witnesses. I would like to have the American Bar Association come in and talk about the conflict of interest questions

involved in the legislation we have on that kind.

This is a basic philosophical decision. It is not a technical decision in the slightest.

Mr. MCGEE. Exactly.

I was not hiding behind the commission, I say to my friend from Ohio. My point is that I know that the commission also is thinking in terms of airing that question, to examine the dimensions that it should assume, or the alternatives to it, or the embellishments to it—all those factors.

All I was attempting to suggest was that our committee would look at it specifically and in the larger sense, too. We have a much larger responsibility than just that one, but that one will be one of those basic issues reexamined, with plenty of opportunity for all witnesses—congressional witnesses, outside witnesses, private witnesses, constituent witnesses, anyone who could have an input. That was the point of my original response to the Senator.

Mr. TAFT. Can the Senator from Ohio have assurance that the distinguished chairman will include in those hearings the legislation which has been introduced by the Senator from Ohio, dealing with the question before the Senate tonight?

Mr. MCGEE. Precisely. We would guarantee that that would be one of the pieces of legislation examined, open to all witnesses who sought to address themselves to that issue.

Mr. TAFT. If the amendment is rejected, I hope that will be true. I think the issue is so important that Senators should be called upon to vote on it tonight, because I do not think any further commission study is necessary. We all know what the basic issue is here. We knew what the issue was when we passed the original legislation.

Mr. MCGEE. Does the Senator want to ask for the yeas and nays?

Mr. TAFT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FONG. Mr. President, if I correctly understand the Senator's amendment, it would do two things: One, it would limit the cost-of-living allowance for 1 year. Is that correct?

Mr. TAFT. That is correct.

Mr. FONG. Second, it would do away with the Quadrennial Commission.

Mr. TAFT. It would do away with the Quadrennial Commission insofar as legislator's salaries are concerned.

Mr. FONG. It does away with the Quadrennial Commission insofar as legislative salaries are concerned.

Mr. TAFT. From the determination by the Quadrennial Commission

Mr. FONG. And the cost of living for 1 year applies only to the Members of Congress?

Mr. TAFT. That is correct.

Mr. FONG. If that is so, Mr. President, this is a very discriminatory and very biased amendment. People in the executive branch and in the judiciary branch will be given the cost-of-living

allowance that will go on, but Members of Congress will be given only one cost-of-living allowance. We are all in the same boat. In the past 6 years, since 1969, not one Member of Congress and not one member of the judiciary nor of the executive branch has received an increase or an adjustment in salary.

This amendment proposes to limit the cost-of-living allowance to the Members of Congress but not to the others. So this is a very biased and a very discriminatory amendment. If something is equitable for one, should it not be equitable for the other? If it is equitable for members of the judiciary and members of the executive branch, why should it not be equitable for Members of Congress?

Mr. TAFT. Mr. President, the answer to that is simple. In the first year, I think it is important that we give the cost-of-living increase to the others and to Congress. As a matter of fact, I have gone along with giving a cost-of-living increase to all who are covered by the legislation.

In the second year, the others, other than Congressmen, would go ahead and get their cost-of-living increase. Meanwhile, we have ample time in which we can enact any kind of legislation that we want to enact—separate out the determination of our cost of living if we are going to give ourselves a cost-of-living increase, or our salary increase if we want to give ourselves a salary increase. We can do it by law any time we want to do it. We can separate that out, break the logjam so we can go ahead with the cost-of-living increases for everybody else. We can give ourselves more next year if Congress is willing to stand up and vote for the cost-of-living increase. The Senator feels—everybody in Congress, I think, feels they have been held back more than the other employees of Government. That has been pointed out very clearly.

The Senator is talking about Congressmen and Senators being discriminated against. I think he is missing the point entirely.

SEVERAL SENATORS. Vote! Vote!

Mr. FONG. I wish to say, Mr. President, that if we eliminate the Members of Congress from getting the same cost-of-living allowance as the others, we are committing a biased act. We are committing a discriminatory act. Nothing prevents the Senator from Ohio from introducing a bill in the Senate to do what he wants to do. In the meantime, while we are enacting this legislation, let us be fair and treat everybody alike. If he wants to change it, let him introduce a bill subsequently and let us move on it.

Mr. TAFT. That is the bill I have been trying to get hearings on for the last 2 years.

Mr. FONG. The chairman has assured the Senator that he will get hearings on it.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr.

Bumpers), the Senator from Mississippi (Mr. EASTLAND), the Senator from Ohio (Mr. GLENN), the Senator from South Dakota (Mr. McGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Mississippi (Mr. STENNIS), the Senator from Illinois (Mr. STEVENSON), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Nebraska (Mr. HRUSKA) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to a death in the family.

The result was announced—yeas 12, nays 74, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—12

Allen	Hansen	Proxmire
Brock	Helms	Roth
Curtis	Nelson	Taft
Fannin	Nunn	Thurmond

NAYS—74

Abourezk	Garn	McIntyre
Baker	Gravel	Metcalf
Bartlett	Griffin	Mondale
Bayh	Hart, Gary W.	Montoya
Beall	Hart, Philip A.	Packwood
Bellmon	Hartke	Pastore
Bentsen	Haskell	Pearson
Biden	Hatfield	Pell
Brooke	Hathaway	Percy
Buckley	Hollings	Randolph
Burdick	Huddleston	Ribicoff
Byrd	Humphrey	Schweiker
Harry F., Jr.	Inouye	Scott, Hugh
Byrd, Robert C.	Jackson	Scott,
Cannon	Javits	William I.
Case	Johnston	Sparkman
Chiles	Kennedy	Stevens
Church	Laxalt	Stone
Clark	Leahy	Talmadge
Cranston	Long	Tower
Culver	Magnuson	Tunney
Dole	Mansfield	Welcker
Domenici	Mathias	Williams
Eagleton	McClellan	Young
Fong	McClure	
Ford	McGee	

NOT VOTING—13

Bumpers	McGovern	Stennis
Eastland	Morgan	Stevenson
Glenn	Moss	Symington
Goldwater	Muskie	
Hruska	Stafford	

So Mr. TAFT's amendment was rejected. Mr. McGEE. Mr. President, I move to reconsider the vote by which Mr. TAFT's amendment was rejected.

Mr. FONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, the leadership had thought we would come in at 9 o'clock tomorrow. But as the hour is getting late, I ask unanimous consent that when the Senate completes its business tonight it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR NELSON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the leaders or their designees have been recognized

the distinguished Senator from Wisconsin (Mr. NELSON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Was that tomorrow morning or tonight? [Laughter.]

Mr. MANSFIELD. Tomorrow morning.

POSTAL SERVICE COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT

The Senate continued with the consideration of the bill (H.R. 2559) to amend title 39, United States Code, to apply to the U.S. Postal Service certain provisions of law providing for Federal agency safety programs and responsibilities, and for other purposes.

AMENDMENT NO. 832

Mr. ALLEN. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

Is that the amendment previously withdrawn?

Mr. ALLEN. I withdrew it earlier.

The PRESIDING OFFICER. That is the amendment. The clerk will state the amendment.

The assistant legislative clerk read as follows:

Mr. ALLEN, for himself and Mr. HELMS, proposes amendment numbered 32, on page 6, beginning with line 6, strike all over to and including line 6 on page 7.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, after this small amendment, if adopted, I will have no further amendment tonight. All it does is to eliminate the Members of Congress, House and Senate, from this procedure guaranteeing the annual salary increase. If this amendment should be adopted I will have no further amendments.

Mr. McGEE. Mr. President, does the Senator request the yeas and nays?

Mr. ALLEN. Yes, I do ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ALLEN. The original amendment that the Senate voted on eliminated the entire nongermane amendment setting up this method whereby the executive department, the judiciary and Congress would receive the guaranteed annual wage increases.

It occurred to me that, inasmuch as the amendment was rejected, possibly the Members of the Senate, while they did not want this guarantee raised for themselves, were so anxious to get it for the other departments that they voted against this amendment to assure that the other departments would get the raise.

Now, confronted simply with the issue of whether or not Congress would get the guaranteed annual wage increases, I feel that there might be some Senators who would vote against their getting the raise. So, Mr. President, this amendment will accomplish that purpose of eliminating Congress from this annual wage increase procedure which has been in-

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Mr. McGEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

An Act to amend title 39, United States Code, to apply to the United States Postal Service certain provisions of law providing for Federal agency safety programs and responsibilities, to provide for cost-of-living adjustments of Federal executive salaries, and for other purposes.

Mr. McGEE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 2559.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

The PRESIDING OFFICER (Mr. STONE). Pursuant to the previous order, the Chair lays before the Senate Senate Resolution 54, which the clerk will state.

The legislative clerk read as follows:

A resolution (S. Res. 54) continuing and authorizing additional expenditures by the Select Committee on Nutrition and Human Needs.

The Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with amendments, as follows:

On page 2, in line 24, strike out "\$485,000" and insert "399,500".

On page 3, line 5, strike out "committee" and insert "committee, except that vouchers will not be required for the disbursement of salaries of employees paid at an annual rate".

TEMPORARY COMMISSION ON THE OPERATION OF THE SENATE

Mr. MANSFIELD. Mr. President, this morning the Senate agreed to Senate Resolution 227, with a goodly number of cosponsors. I ask unanimous consent that it be in order at this time to reconsider the vote by which the resolution was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I move that the vote be reconsidered.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour on the motion to invoke cloture tomorrow begin running at 4 p.m., in view of the fact that the other body will vote sometime tomorrow on the resolution of disapproval of the President's proposal governing deregulation, and depending on the outcome of that vote, it may not be necessary to proceed with the cloture vote in the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the ERDA bill S. 598, is called up and made the pending business before hours; that there be a time limitation thereon of 2 hours, to be equally divided by the Senator from Washington (Mr. JACKSON) and the Senator from Arizona (Mr. FANNIN); that there be a time limitation on any amendment to the national security section of the bill of 2 hours; that there be a time limitation on an amendment by Mr. TUNNEY of 2 hours; that there be a time limitation of 1 hour on any other amendment, a time limitation on any amendment to an amendment, debatable motion, or appeal, of one-half hour, and a time limitation on any point of order—if submitted to the Senate—of 20 minutes; and that the agreement otherwise be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I do not know that I shall object, there is no objection, I think, to time limitation agreement as such, but there is concern about when the bill would be scheduled to be taken up by the Senate.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of Senate Resolution 54—which is the matter now before the Senate and which will be the first measure up tomorrow following the order for the recognition of the Senator from Wisconsin (Mr. NELSON)—the Senate proceed to the consideration of the ERDA bill.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. If the agreement on time is entered into.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, I do not plan to object, but I would ask the distinguished majority if I might inquire if there is a possibility that we could arrange a time for the Tunney amendment to be before the Senate. I am very much interested in being here when that occurs, and I would prefer not to—

Mr. ROBERT C. BYRD. Mr. President, I would hesitate at this moment to commit the Senator from California to calling up his amendment the very first thing. I would assume that he would be willing to do that, but I simply cannot say whether or not that would be agreeable.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, further reserving the right to object, I really do not wish to impede the progress of the Senate, but it is now 9:55 p.m., and I wonder if it would be possible at all for me or the leadership to contact Senator TUNNEY after our recess or now, to see if he could arrange that, or otherwise, probably, to renew the unanimous-consent request as to the first order of business in the morning.

Mr. ROBERT C. BYRD. An effort will be made to do that immediately.

unanimous consent—I have not asked the distinguished Republican whip about this request; I just had not thought of it, but I understand that this request has been cleared on his side of the aisle—that at such time as S. 1771, a bill to amend title 38, United States Code, to provide special pay and other improvements designed to enhance the recruitment and retention of physicians, dentists, nursing personnel, and other health care personnel in the Department of Medicine and Surgery of the Veterans' Administration is called up and made the pending business before the Senate, the Senator from Virginia (Mr. WILLIAM L. SCOTT) have 30 minutes thereon and the Senator from California (Mr. CRANSTON) have 5 minutes, and that the agreement be in the usual form, with a time limitation on any amendment of 30 minutes, and a time limitation on any debatable motion, appeal, or point of order of the same length.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, may I ask when that bill will come up?

Mr. ROBERT C. BYRD. It has not been scheduled, but if there are any gaps we will try to fill in with that bill.

Mr. CRANSTON. I thank the Senator.
PARLIAMENTARY INQUIRY—SENATE RESOLUTION 145

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Mr. President, I am wondering about the cloture motion that the distinguished assistant majority leader referred to a moment ago, with respect to the motion to take up S. 145. The Chair will recall that last evening the Senate—

The PRESIDING OFFICER. Senate Resolution 145?

Mr. ALLEN. Yes, the Senate adjourned until today, and Senate procedure says that a motion to proceed to consideration of a matter, if unacted upon, dies with an adjournment of the Senate. I just wonder if that matter could be before us on a cloture motion when it is dead.

The PRESIDING OFFICER. The motion dies, but the cloture has the effect of reviving it for a vote, and at that time the rule is activated.

Mr. ALLEN. Would the same rule apply had the motion to proceed been tabled? That is, would it revive a motion that had been tabled?

The PRESIDING OFFICER. The Chair is not advised of any precedent on that particular situation, which is not before the Senate.

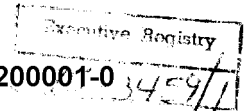
Mr. ALLEN. I see. It seems to the Senator from Alabama that a motion is just as dead whether it dies following an adjournment or whether it is defeated.

I merely ask for clarification; I do not wish to make a point of it.

The PRESIDING OFFICER. There is precedent, however, that even though the matter that the cloture motion was filed on has been displaced, at the time for the vote, the cloture revives it.

Mr. ALLEN. Yes; displaced is a far cry from being dead. If it is displaced,

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8 August 1975

MEMORANDUM FOR: John Warner

SUBJECT: Relief from the Freedom of Information Act

With respect to your July 25 memorandum regarding relief from the Freedom of Information Act, the matter is still of prime importance. As you know section 7.32 of the House Select Committee rules leaves the disposition of documents at the conclusion of the life of the committee an open question. I think by next week we will have, hopefully, developed enough credibility so that this issue can be taken up with Chairman Pike or Searle Field. The idea of a letter to the Church Committee makes good sense. Would you please have a draft prepared. Thanks.



Special Counsel to the Director

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89TH CONGRESS } 1st Session }	HOUSE OF REPRESENTATIVES {	REPORT No. 830
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FOREIGN SERVICE ACT AMENDMENTS OF 1965

AUGUST 19, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAYS, from the Committee on Foreign Affairs, submitted the following

REPORT

[To accompany H.R. 6277]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 6277) to amend the Foreign Service Act of 1946, as amended, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments, as they appear in the reported bill, are as follows:

1. Page 2, after line 2, add the following new sections:

SEC. 3. Section 201 of such Act is amended to read as follows:

"SEC. 201. There shall be a Director General of the Service (hereafter in this Act referred to as the 'Director General') who shall be appointed by the President, by and with the advice and consent of the Senate, from among Foreign Service officers in the classes of career ambassador or career minister, or in class 1."

SEC. 4. Section 211 of such Act is amended to read as follows:

"SEC. 211. There is hereby established the Board of the Foreign Service to be composed of the Secretary of State or an officer of the Department designated by him, who shall be chairman; the Chairman of the Civil Service Commission; and such other members as the President may designate, including representatives of those Government agencies determined by him to be substantially engaged in foreign

Union Calendar No. 371

89TH CONGRESS
1ST SESSION

H. R. 6277

[Report No. 830]

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 1965

Mr. HAYS introduced the following bill; which was referred to the Committee on Foreign Affairs

AUGUST 19, 1965

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Foreign Service Act of 1946, as amended, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Foreign Service Act
4 Amendments of 1965".

5 SEC. 2. Section 111 (1) of the Foreign Service Act of

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